

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 280
PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER UTILITIES
GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS, BILLING, PAYMENTS,
REFUNDS AND DISCONNECTION OF SERVICE

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AUTHORITY: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

SOURCE: Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; emergency amendment at 7 Ill. Reg. 14543, effective October 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992; amended at 17 Ill. Reg. 805, effective January 15, 1993; amended at 18 Ill. Reg. 6160, effective May 1, 1994; amended at 18 Ill. Reg. 17974, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16545, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7032, effective May 1, 2002; amended at 27 Ill. Reg. 4527, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 15156, effective September 15, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 2684, effective February 10, 2004; Part repealed at ___ Ill. Reg. _____, effective _____; new Part adopted at ___ Ill. Reg. _____, effective _____.

Section 280.05 Policy

The purpose of this rule is to ensure that essential utility services are provided to and maintained for the People of the State of Illinois, and to establish fair and equitable procedures within the scope of this Part, that take into account the duty of the utility, customer, applicant and occupant to demonstrate good faith and fair dealing. ~~The policies and procedures outlined in this rule shall take precedence over any inconsistent utility tariff, unless the conflicting tariff provision has been specifically approved by the Commission as a waiver or exemption from this rule, and shall be viewed as the minimum standards applicable to gas, electric, water and sanitary sewer utilities. This Part shall not supersede tariff provisions which have been reviewed and approved by the Commission.~~ Utilities that are subject to these rules shall have the ability to expand or supplement the customer rights guaranteed by these provisions as long as those policies are applied in a nondiscriminatory manner.

Comment [A1]: Ruckman Rebut. p. 15, ll. 326-332.

Section 280.10 Exemptions

Any entity may file a petition requesting modification of or exemption from any Section of this Part that applies to the entity. Upon showing that the modification or exemption is economically and technically sound and will not compromise the service obligations of the entity or harm

consumers, the Illinois Commerce Commission (Commission) may grant the modification or exemption. A petition for exemption or modification shall be filed pursuant to 83 Ill. Adm. Code 200 and shall include specific reasons and facts in support of the requested exemption or modification.

Section 280.20 Definitions

"Actual reading" means a direct meter reading taken by utility personnel or a meter service provider at the customer's location or by use of a remote reading device.

"Applicant" means a person seeking to establish new residential or non-residential utility service under the accepted application process and who is not a customer. Applicants agree to provide payment for utility services that will be rendered to them. Successful applicants immediately become customers.

"Budget payment plan" means a plan seeking to reduce fluctuations in the amount a customer must pay in each billing cycle. The customer agrees to pay an amount for each billing cycle that is based upon the amount the utility expects the customer to be billed for an entire year divided by the number of billing cycles in the year. The amount may be adjusted to accommodate changes in the usage pattern by the customer.

"Class of service" means either residential service or non-residential service.

"Credit scoring system" has the same meaning set forth in 12 CFR 202.2 as of January 1, 2002, and no later amendments or editions are incorporated. A utility that elects to use a credit scoring system shall file a tariff describing its practice of using the credit scoring system.

"Current" means the status of a customer's utility account when there are no past due amounts owing on the account for utility services, including amounts owing for deposits, deferred payment arrangements or medical payment arrangements.

"Customer" means a person receiving utility service after a successful application.

"Customer provided reading" means a meter reading submitted by a customer to a utility instead of an actual or an estimated reading for the purpose of generating a bill.

"Deferred payment arrangement" or "DPA" means a payment plan whereby a customer may retire a past due amount owing to a utility by paying installments towards the arrearage in addition to future bills.

"Delivery services" for electricity means those services provided by the electric utility that are necessary in order for the transmission and distribution systems to

function so that retail customers located in the electric utility's services area can receive electric power and energy and shall include, without limitation, standard metering and billing services.

"Delivery services" for natural gas means those services provided by the natural gas utility that are necessary for distribution systems to function so that retail customers located in the gas utility's service areas can receive natural gas to the customer.

"Deposit" means money provided by a customer and held by a utility as a guarantee towards payment for utility service.

"Guaranteed payment" means any method of payment that does not rely upon a person's private account to provide the funds for payment to the utility.

"Illegal tap" means a diversion of utility service whereby a party or parties other than the customer of record receives a portion of the customer's metered utility service without the customer's consent.

"Low income customer" means a residential ~~gas or electric utility~~ customer who has qualified under the income criteria of Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6]. Qualification is achieved through the Low Income Home Energy Assistance Program (LIHEAP) administrator notifying the customer's utility of the customer's low income status. ~~Unless water and sewer utilities begin participation in a low income assistance program with the LIHEAP agencies, it shall be the individual customer's responsibility to notify and provide proof to the water and/or sewer utility of the customer's low income status under the income criteria of Section 6 of Energy Assistance Act of 1989.~~ Qualifications established on or after September 1 shall remain active until December 31 of the following year. Qualifications established before September 1 shall remain active until December 31 of the current year. The utility shall notify the customer no less than 30 days and no more than 90 days prior to the expiration of a customer's qualification.

Comment [A2]: Ruckman Dir. pp. 4-5, ll. 84-109; Ruckman Rebut. pp. 4-5, ll. 61-77.

Comment [A3]: Water utilities do not participate in LIHEAP. Ruckman Dir. pp. 4-5, ll. 84-109; Ruckman Rebut. pp. 4-5, ll. 61-77.

"Master-metered customer" means a non-residential customer for a building where a single meter measures the utility service provided to three or more dwelling units in the building instead of separate meters for each residential unit in the building.

~~"Medical payment arrangement" or "MPA" means a payment plan established after the use of a medical certificate whereby a customer may retire a past due amount owing to a utility by paying installments towards the arrearage in addition to future bills.~~

Comment [A4]: Ruckman Rebut. p. 12, ll. 266-270.

"Medical necessity" means circumstances under which the discontinuation of a specific utility service will cause a life-threatening medical condition for a utility customer or another resident of the customer's premises.

Comment [A5]: Ruckman Dir. pp. 12-13, Il. 266-267, 271-277; Ruckman Rebut. pp. 11-13, Il. 248-274.

"Meter service provider" means every provider of metering service certified by the Illinois Commerce Commission under the provisions of 83 Ill. Adm. Code 460.

"Non-residential customer" means any customer not on a residential rate.

"Occupant" means a person who is not a utility customer and who receives the benefit of utility services at a residential or non-residential service location.

"Past due" means any amount unpaid for more than two days beyond the due date on a customer's utility account bill statement.

"Payment avoidance by location" or "PAL" means a repeated pattern of intentional action taken to avoid payment for utility service used by customers or occupants at a specific premises. Evidence proving a PAL allegation shall be the burden of the utility.

"Person" means any legal entity with the ability to become a utility customer, including but not limited to: individual persons, units of government, corporations, trusts, partnerships, associations, not-for profits, boards, organizations and institutions.

"Residential customer" means a customer receiving service for household purposes, including service provided through a single meter to one or two dwelling units.

"Returned payment" means any payment submitted for utility service for which the utility is unable to receive the funds submitted for payment, and where the parties have not mutually agreed to void or otherwise disregard the submitted payment.

"Small business" means an Illinois business with 50 or less full time employees in Illinois [220 ILCS 35/2(b)].

"Supplier power and energy charges" means utility customer billing amounts for competitive commodity natural gas and/or electricity purchased from the customer's chosen alternative supplier.

"Tampering" means any unauthorized alteration of utility equipment or facilities which causes damage to that equipment or facilities or by which a benefit is

Comment [A6]: Ruckman Rebut. p. 13, Il. 285-294.

achieved for which the utility is not compensated. Tampering includes customer self-restoration of utility service. Proof of tampering shall be the burden of the utility.

"Transfer of service" means terminating service at one location and activating service at another location by the same customer of record served by the same utility within 14 calendar days and without a change in the rate class of the customer. A transfer of service shall not be deemed an application for service unless the utility has reason to believe that the person requesting the transfer of service is not the original customer. Outside any winter, temperature or other period defined by statute or rule restricting disconnection of service, a customer requesting a transfer of service but who has undisputed past due utility charges or deposit amounts owing for more than 2 days past the due date may be denied the transfer unless the customer pays the past due utility charges or deposit or enters into a payment agreement on the amounts owing. It shall be the responsibility of the utility to advise the customer of any such outstanding amounts at the time the transfer of service is sought.

"Type of service" means either gas, electric, water or sewer service.

Section 280.30 Application

- a) Intent: A utility shall have the right to know who its customers are through reasonable verification of identity. Applicants shall have the right to a reasonable application process designed to provide for persons to obtain utility services without delay, while also safeguarding utilities and other customers from potential harm associated with fraud or the uncollected debts of applicants.
- b) Information requirements: The utility shall make available a full description of the utility's application process, including all forms of acceptable identification, for review in the utility's tariff with the Commission, on the utility's website, and mail a printed version to applicants or customers who request a copy.
- c) Methods:
 - 1) The applicant shall have the option to choose from the available application methods offered by the utility.
 - 2) Third party applications may be made only by persons who have been authorized to act on behalf of the applicant, and the utility must verify this authorization either by documentation or by direct contact with the applicant. If a utility fails to verify authorization, it shall not be entitled to collect for service.
- d) Application content:

- 1) Positive identification (ID) of applicants may be required by up to two forms of ID, including but not limited to any of the following:
 - A) Government issued photo ID;
 - B) Social Security number;
 - C) Driver's license number;
 - D) Passport;
 - E) Birth certificate;
 - F) Immigration and/or naturalization documents;
 - G) Student identification;
 - H) Banking information;
 - I) Credit card;
 - J) Employment records;
 - K) Government benefits/compensation records;
 - L) Tax ID number;
 - M) Articles of incorporation; or
 - N) Business license.
- 2) The applicant shall have the opportunity to choose ~~which the first~~ form(s) of identification ~~to provide~~ from the available list ~~to provide the utility. If the utility requires the applicant to provide a second form of identification, the utility shall designate which form(s) of identification from the available list it will accept. The utility may not oblige an applicant to provide one form of identification in favor of another, so long as the identification provided is valid and accurate.~~
- 3) If the applicant is non-residential, then the utility shall request information to determine if the applicant is a small business.
- 4) Service location and contact information required of applicants:
 - A) Service address for the premises;

Comment [A7]: Ruckman Dir. pp. 5-6, ll. 110-111, 121-133.

- B) Mailing address if different from the service address;
- C) The applicant's preferred method of contact from the utility ~~(optional)~~;
- D) Telephone number ~~(optional)~~;
- E) E-mail address ~~(optional)~~; -and
- F) Contact information for property owner/manager if premises is rental ~~(optional)~~.

Comment [A8]: Ruckman Dir. pp. 5-6, ll. 110-120.

Comment [A9]: Ruckman Dir. pp. 5-6, ll. 110-120; Ruckman Rebut. p. 4, ll. 78-91.

Comment [A10]: Ruckman Dir. pp. 5-6, ll. 110-120; Ruckman Rebut. p. 4, ll. 78-91.

Comment [A11]: Ruckman Dir. pp. 5-6, ll. 110-120.

e) Requirements for successful application:

- 1) Information submitted must be accurate and verifiable; and
- 2) Any past due debts for utility services still owing to the utility by the applicant shall be identified and governed by the following provisions:
 - A) Applicant must pay past due debt in full, and if otherwise required, enter into a payment plan for the deposit amount; or
 - B) At the utility's discretion, enter into a payment agreement to retire the debt; or
 - C) Make a down payment and agreement to retire the debt under the requirements of Section 280.180 Reconnection of Former Residential Customers for the Heating Season.

f) Applicable past due debts:

- 1) Past due debts may only include debts for which the utility has retained summary data to support the validity of the debt. The utility shall make these records available to the applicant upon request. In addition, the utility shall provide, on request, a detailed description and the source of any other information supporting the debt. At a minimum, summary data supporting the debt shall include:
 - A) The service address or addresses where the debt accrued;
 - B) Meter readings and dates;
 - C) Usage and dates; and
 - D) Bill amounts and dates.

- 2) For purposes of determining whether or not an applicant may become a customer, past due debts shall not include charges owing for non-utility services and merchandise.
- 3) Past due debts shall not include utility charges owing for a different class (residential or non-residential) or type (gas, electric, water or sewer) of service.
- 4) Past due debts shall not include debts owing by persons other than the applicant, with the exception of debts owing as family expenses of married persons. Family expenses shall not include debts incurred at a location separate from the family by a spouse who abandons the family [750 ILCS 65/15].
- g) ~~Disputed past due debts: If the applicant disputes the validity of the past due debt and the utility sustains the charges, the utility shall provide the applicant with the contact information for the Commission's Consumer Services Division for an informal complaint.~~
- h) Deposit payment requirement: The utility may require a deposit of an applicant for service under the criteria listed in Sections 280.40, Deposits, and Section 280.45, Deposits for Low Income Customers. The utility may require that the initial down payment of any applicable deposit be paid within a minimum of 12 days.
- i) Timeline for application processing:
 - 1) Approval or rejection of the application shall be accomplished within two business days after the date all the required information is received from the applicant.
 - 2) The utility shall notify the applicant of rejection of the application within two business days. Notification shall include the specific reason(s) for the rejection so that the applicant may have the opportunity to remedy the reason(s) for the rejection. If the utility is unable to contact the applicant for notification by a method other than mailing, then written notification of the problems shall be sent to the mailing address provided by the applicant.
 - 3) If the application meets the requirements of this Part or the applicant remedies any deficiencies, then the utility shall approve the application for service.
- j) Timeline for service activation:

Comment [A12]: Ruckman Dir. pp. 5-6, ll. 110-11, 134-139.

- 1) Electric, water, or sewer utilities: Absent any delays caused by construction or other equipment work required for service activation, an electric, water or sewer utility shall activate service for a successful applicant at the earliest possible date, but no more than four calendar days after the approval of the application, unless the applicant requests a later date of activation.
- 2) Gas utilities: Absent any delays caused by construction or other equipment work required for service activation, a gas utility shall activate service for a successful applicant at the earliest possible date, but no more than seven calendar days after the approval of the application, unless the applicant requests a later date of activation.
- 3) If a successful applicant for utility service seeks activation of service on a date beyond the timelines described in (j)(1) and (j)(2) above, then the utility shall activate the service either on the date specified by the applicant or within two business days of the requested date if the utility is unable to accommodate the requested date.
- 4) If, through no fault of the applicant, the utility delays activation of service for two or more calendar days beyond the number of days required pursuant to this subsection, then it shall issue a credit to the new customer's account equal to the monthly customer charge for that customer pro-rated by the number of days of the delay beyond the requirements of this subsection.
- 5) Exception for lack of access: A utility shall not be obliged to conform to the time limits in this subsection if it is not allowed access to activate the service, provided however that the utility must record the date, time of day, utility personnel involved and the reason access was not gained. It shall retain the record for a period of two years. In addition, the utility's field representative making the visit to activate service shall leave a door tag at the premises. The door tag shall indicate when the utility representative was there and provide the contact information for the customer to reschedule.
- 6) Exception for damage or unsafe condition: A utility shall not be obliged to conform to the above time limits of this subsection if repair, construction or correction of an unsafe condition is required prior to activation of service.
- 7) Temporary exception for unforeseen circumstances: A utility that experiences temporary unanticipated overload of its ability to provide for the timely activation of service may, upon notice explaining the circumstances to the Consumer Services Division of the Commission,

temporarily forego the requirements of this section so long as the utility can demonstrate that it is taking diligent action to remedy the overload.

- k) ~~Data collection and maintenance requirements: A utility shall collect the following data on a monthly basis and maintain the data for a period of two years following its collection, making the data available to Commission Staff (Staff) within 30 days after a request from Staff:~~
- ~~1) The total number of residential applications taken by the utility;~~
 - ~~2) The total number of non-residential applications taken by the utility;~~
 - ~~3) The number of residential applications rejected by the utility;~~
 - ~~4) The number of non-residential applications rejected by the utility; and~~
 - ~~5) The reason, by category under subsection (c) above, for the rejection of each application listed in subsections (k)(3) and (4) above.~~

Comment [A13]: Ruckman Dir. pp. 5,7, ll. 110-11, 140-144; Ruckman Rebut. p. 4, ll. 93-103.

Section 280.35 Revert to Landlord/Property Management Agreements

- a) Intent: Describe the process whereby a utility may, by prearrangement with a landlord/property manager, place the service for a premises on a forward basis into the responsibility of the landlord/property manager and continue service to the premises when a tenant who had utility service in the tenant's name leaves the premises.
- b) Prearrangement to be in writing: The utility and landlord/property manager shall agree in writing to prearrange the provisions of this Section. The utility shall provide an example of its prearrangement form in the utility's tariff and maintain a copy of the form on its website. So long as the utility is able to contact and gain the cooperation of the respective landlord/property manager for a premises, it shall annually update the individual prearrangements with each landlord/property manager so as to ensure accuracy. Absent written prearrangement with a landlord/property manager, the utility shall not place service in the name of the landlord/property manager unless the landlord/property manager contacts the utility to apply for service.
- c) Notice: Every time a utility places service into the responsibility of a landlord/property manager under prearrangement, the utility must within two business days notify the landlord/property manager that the service has been placed in the landlord/property manager's responsibility, and that the landlord/property manager will be billed on a forward basis for service provided to the premises until a new tenant successfully applies for service. Notice shall be provided separately from the bill statement and shall be made prior to the first bill

to the landlord/property manager. By agreement with the landlord/property manager, the utility may disregard the above notification provisions.

- d) Tenant bills: The utility shall not hold the landlord/property manager responsible for an amount owing to the utility by any tenant.
- e) Accuracy of billing: Prior to making the landlord/property manager responsible for service, if the meter has not been read by the utility within the past 60 days, the utility shall obtain an actual meter reading to ensure correct billing so long as the utility is provided access to the meter. If the utility is unable to obtain an actual meter reading, then the utility must allow the landlord/property manager to provide the utility with a customer reading.
- f) Itemization of transfer balances: Where a landlord/property manager maintains multiple premises within a utility's service territory, the utility shall not transfer balances owing from one premises account to another until the landlord/property manager has failed to pay the final bill rendered for that premises or the landlord/property manager requests that the balance be transferred. When transferring final balances from one premises account to another, the utility shall indicate on the bill the location where the amount due originated.

Section 280.40 Deposits

- a) Intent: Customer deposits are used to secure against potential unpaid debts. Utility collection activities, when not otherwise restricted by regulations or laws will limit the accumulation of unpaid debt so that deposits will continue to serve this protective purpose.
- b) Notification of demand for deposit:
 - 1) A utility shall make an initial notice of a deposit to an applicant or customer no later than 45 days after the applicant's application for service is approved or after the event that justifies the deposit. A deposit shall not be assessed until the initial notice is given.
 - 2) The initial deposit notice shall be made in writing and shall disclose:
 - A) The reason for the deposit;
 - B) The amount of the deposit and how it is calculated;
 - C) The payment requirements and schedule of payments for the deposit;
 - D) The date by which the entire deposit must be paid;

- E) That the amount of the deposit may be adjusted if the annual charges for the customer substantially change;
 - F) The refund policy for the deposit;
 - G) The interest policy for the deposit;
 - H) The customer has the option of paying the deposit or entering a deferred payment agreement (as described in Section 280.120);
 - I) The deposit policy applicable to qualified low income customers and how qualification can be demonstrated; and
 - J) The availability and contact information for the Commission's Consumer Services Division in the event of a dispute that the utility has not resolved to the satisfaction of the applicant or customer.
- c) Calculation of deposit amounts:
- 1) Residential and small business customer deposits shall not exceed $\frac{1}{6}$ of the estimated annual charges for the service to that customer.
 - 2) Non-residential, other than small business, customer deposits shall not exceed $\frac{1}{3}$ of the estimated annual charges for service to that customer.
- d) Applicant deposits: the utility shall have the right to require a deposit of an applicant under the following conditions:
- 1) The applicant was previously disconnected for non-payment of bill amounts owing to the utility for the same class and type of service;
 - 2) The applicant failed to pay a final bill owing to the utility for the same class and type of service;
 - 3) The residential applicant's credit score fails to meet the minimum standard of the credit scoring system described in the utility's tariff;
 - 4) The non-residential applicant fails to provide satisfactory credit references, including past utility service records or favorable history with other creditors. The utility shall file a tariff with the Commission describing its criteria for non-residential applicants to establish satisfactory credit for this purpose;
 - 5) The utility has proof that the applicant previously benefitted from tampering as described in Section 280.200;

- 6) The utility has proof that the conditions described in Section 280.210 Payment Avoidance by Location (PAL) exist for the applicant.
- e) Present customer deposits:
 - 1) A present customer may be required to pay a deposit if both of the following conditions occur:
 - A) The customer has paid late four times in the past 12 months; and
 - B) The customer's account has an undisputed past due balance that has remained unpaid for over 30 days beyond the due date.
 - 2) A present residential customer may avoid the requirement to pay a deposit under subsection (e)(1) by entering into and keeping current with a deferred payment arrangement (DPA) for the unpaid balance, so long as the customer enters the DPA prior to the assessment of the deposit.
 - 3) A present customer may be required to pay a deposit if the utility has proof that the customer benefitted from tampering.
- f) Deposit payment: A utility may require payment of 1/3 of an applicable deposit by including that amount on the first bill statement sent to the customer after the issuance of the deposit. The remaining 2/3 of the deposit shall be paid in equal installment amounts included on the next two bill statements. However, a deposit assessed under the provisions of Section 280.210 may be collected in a single amount due prior to service activation.
- g) Deposit interest:
 - 1) Interest shall be paid to the customer on all deposit amounts, including installments, held by the utility. The rate of interest will be the same as the rate existing for the average one year yield on U.S. Treasury Securities for the last full week in November. The interest rate will be rounded to the nearest 0.5%. In December each year, the Commission shall announce the rate of interest that shall be paid on all deposit amounts held during all or part of the subsequent year.
 - 2) After 12 consecutive months of accumulated interest, when a customer is not entitled to a refund of the deposit, the utility shall automatically credit the customer's account with the interest only. The credit shall be itemized on the customer's next regular bill statement as "deposit interest."
- h) Refund conditions for deposits:

- 1) The utility shall automatically refund the deposit plus accumulated interest once the customer completes 12 consecutive months of service with less than four late payments, no disconnections for non-payment, no tampering with the service, and the customer has no past due balance owing at the time of the deposit refund.
 - 2) The utility shall automatically refund the deposit plus accumulated interest, less any unpaid utility service bill amount, when the customer voluntarily ends service and is not transferring service to another location. The refund shall be made at the time the final bill for service is issued.
 - 3) The utility shall refund the deposit plus accumulated interest automatically, less any unpaid utility service bill amount, 30 days after disconnection of service for non-payment when the former customer has not paid the full balance owing or otherwise made arrangements with the utility to have the service restored.
 - 4) Nothing shall prevent the utility from refunding a deposit earlier than the above conditions.
- i) Issuance of deposit refund:
- 1) For a current small business customer, the refund, less past due unpaid utility service amounts, shall be by credit to the account, except when the small business customer requests the refund by separate payment issued to the-that customer. The ~~refund or~~ credit or refund shall be issued within 30 days of the event that triggers it.
 - 2) For all other current customers, the refund, less past due unpaid utility service amounts, shall be by credit to the account, except when the customer requests the refund by separate payment issued to the-that customer, ~~except when the customer requests a credit to the account instead of a refund payment~~. The ~~refund or~~ credit or refund shall be issued within 30 days of the event that triggers it. The utility shall not be obliged to issue the refund by separate payment instead of a credit if the amount to be refunded does not exceed 25% of the customer's average monthly bill amount.
 - 3) For any former customer, the refund, less unpaid utility service bill amounts, shall be by separate payment issued to the former customer. The refund shall be issued within 30 days of the event that triggers it.
- j) Records of deposits:
- 1) The utility shall maintain records of deposits together with interest that collectively will show all transactions pertaining to each deposit.

Comment [A14]: Ruckman Dir. p. 7, ll. 145-151, Ruckman Rebut. pp. 5-6, ll. 104-119.

Comment [A15]: Ruckman Dir. p. 7, ll. 145-151, Ruckman Rebut. pp. 5-6, ll. 104-119.

- 2) The utility shall indicate the amount of each deposit held on each customer bill.
 - 3) When refunds are not deliverable, the utility shall maintain records showing the utility's efforts towards locating the former customer and delivering the deposit refund.
- k) Data collection and maintenance requirements: A utility that elects to utilize a credit scoring program for applicants for residential service shall collect and maintain the following data for a period of five years following its collection, making the data available to Commission Staff within 30 days of a request from Staff:
- 1) The number of credit scores requested for applicants;
 - 2) The number of applicants who received passing credit scores;
 - 3) The number of applicants who received failing credit scores;
 - 4) The number and total dollar amount of deposits obtained from applicants subject to the credit scoring program;
 - 5) The number of times a security deposit was waived for a low income applicant and for all other applicants, with stated reasons for the waiver;
 - 6) The number of disconnections of service because customers failed to pay the required deposit; and
 - 7) The number of formal complaints and the number of informal complaints from applicants regarding the use of credit scoring or the requirement to pay a deposit based on the credit scoring program.

Section 280.45 Deposits for Low Income Customers

a) This section does not apply to customers of water, sewer or combined water and sewer utilities.

ab) A low income customer or applicant may be required to pay a deposit if the following conditions exist:

- 1) The utility has proof that the applicant or customer benefitted from tampering.
- 2) The applicant was previously disconnected for non-payment of bill amounts owing to the utility for the same class and type of service.

Comment [A16]: Ruckman Dir. pp. 4-5, ll. 84-109; Ruckman Rebut. pp. 4-5, ll. 61-77.

- bc)** With the exceptions written below, all portions of Section 280.40 Deposits shall apply equally to low income customers.
- 1) Credit scoring: A utility shall not assess a low income customer a deposit based upon credit scoring. Credit scoring deposits shall be returned to the customer upon certification as a low income customer.
 - 2) Late payments and past due over 30 days: A utility shall not assess a low income customer a deposit under the provisions of Section 280.40(e)(1).
 - 3) Unpaid final bill: A utility may assess a deposit for a low income applicant if the applicant failed to pay a final bill owing to the utility for the same class and type of service, and that final bill was greater than 20% of the average annual billing for the residential customers of the utility for the calendar year preceding the time of the application.
 - 4) Payment: A utility may require payment of 1/5 of an applicable deposit within a minimum of 12 days after the issue date of a deposit notice to a low income applicant or customer, with the remaining 4/5 to be paid in equal installments over the next four billing cycles.
- ed)** Deposits collected for any reason other than credit scoring prior to a customer's certification as a low income customer shall remain validly held by the utility until the customer meets the refund conditions found in Section 280.40.

Section 280.50 Billing

- a) Intent: To establish minimum billing content and billing disclosure requirements.
- b) Billing Cycle:
 - 1) Without prior authorization from the customer, a utility shall not bill a customer account for utility usage in advance.
 - 2) The utility shall bill the customer monthly unless both the customer and the utility have agreed to bi-monthly or quarterly billing.
- c) Bill content: Bills rendered to a retail customer for service, regardless of bill delivery method, shall be itemized to clearly show at least the following:
 - 1) Customer billing information:
 - A) Customer name;
 - B) Service address;

- C) Mailing address if different from service address;
 - D) Account number;
 - E) The date the bill was generated and sent to the customer;
 - F) For accounts on a budget billing plan, the accrued debit or credit balance for the plan;
 - G) The total amount owing on a payment arrangement, including the installment amounts due and the number of installments remaining to satisfy the arrangement;
 - H) The amount of any deposit either held or owing and the accumulated interest on the deposit; and
 - I) Electric and Gas utilities shall provide a graphic comparison (bar chart or pie chart) of the current usage and the customer's previous 12 months of historical usage;
- 2) Contact information:
- A) The utility's toll free phone number and/or local phone number for customer inquiries and complaints;
 - B) The toll free telephone number for the Commission's Consumer Services Division, and a statement indicating that the customer must contact the utility first before seeking assistance from the Commission's Consumer Services Division; and
 - C) The name and contact information for any supplier or other third parties authorized by the Commission to appear on the bill and with which the customer has contracted;
- 3) Meter and rate classification information:
- A) The meter identification number;
 - B) The previous and current meter readings and the corresponding dates of those readings;
 - C) The number of days in the billing period;
 - D) The energy, natural gas or water used;

- E) The meter constant if applicable;
 - F) The type of services rendered;
 - G) A complete description of the service or rate classification under which the customer receives service;
 - H) The type of reading that was used in the bill calculation (actual, estimate or customer reading); and
 - I) For meters for which beginning and ending meter readings are used as billing determinants, the reading of the meter at the beginning and the reading of the meter at the end of the period for which the bill is rendered;
- 4) Bills not based on metered usage: In the event that a bill is not based on usage derived from meter readings, the bill must indicate the period of time for which the bill is rendered, the type of service rendered, and a complete description of the service or rate classification under which the customer receives service;
- 5) Itemization of billing amounts: The following components of the bill and the total amount shall be itemized and listed vertically for ease of reading:
- A) The monthly customer charge or any portion of the charge;
 - B) Any applicable demand charges;
 - C) Depending upon the type of utility service:
 - i) Electricity: The cost of energy detailed by the energy used and price per unit of each change in the unit price;
 - ii) Natural gas: The cost of gas determined by the number of therms used and the price per therm for each change in the unit price;
 - iii) Water: The volume of water used and the price per gallon or cubic foot and the price for each change in the unit price;
 - D) Depending upon the type of utility service:
 - i) Electricity: Any applicable cost of fuel adjustment;
 - ii) Natural gas: Any applicable cost of gas adjustment;

- iii) Water: Any applicable cost of purchased water;
 - E) Any other applicable adjustments, including other charges not under categories of changes but relating to services, energy, gas, water, sewerage or other programs provided to customers;
 - F) State tax;
 - G) Municipal tax;
 - H) Infrastructure maintenance fee;
 - I) Transition charge;
 - J) Optional services listed separately;
 - 6) The bill due date;
 - 7) Definitions or explanations of any abbreviations and technical words used on the bill; and
 - 8) Electric and Gas utilities shall provide the average use per day for the period over which the bill is rendered and for the comparable period one year earlier, and an indication of the difference in temperatures between the two periods.
- d) Bill delivery:
- 1) Bills for utility service sent through the United States mail shall be in envelopes to ensure privacy. Bills too large for enclosure in envelopes may be packaged and sent in boxes.
 - 2) If mailed bill envelopes are not postmarked, the utility shall maintain an alternative method of third party verification of the date of mailing. Records to verify each bill issuance or delivery shall be retained for period of two years.
 - 3) Customers may choose to have bills delivered by electronic means. The utility must have written confirmation from the customer regarding this choice. Customers choosing such service must retain the right to have all notices, including disconnection notices as provided for in Subpart I, by United States mail at any time.
 - 4) If bills are delivered or made available to customers by means other than United States mail, the utility shall maintain a record to verify each bill delivery or issuance for a period of two years.

- e) Due dates:
 - 1) Bills for residential customers shall be due a minimum of 21 days after the date they are sent to the customer, and bills for non-residential customers shall be due a minimum of 14 days after the date they are sent to the customer.
 - 2) If a bill is mailed from a state or location that does not border Illinois or if payment is received at a state or location that does not border Illinois, then the due date shall be:
 - A) Residential customer: a minimum of 23 days after the date the bill is sent to the customer; or
 - B) Non-residential customer: a minimum of 16 days after the date the bill is sent to the customer.
 - 3) If a bill is mailed from a state or location that does not border Illinois and is also received at a state or location that does not border Illinois, then the due date shall be:
 - A) Residential customer: a minimum of 25 days after the date the bill is sent to the customer; or
 - B) Non-residential customer: a minimum of 18 days after the date the bill is sent to the customer.
- f) Bill transfers: When a customer has the same class and type of utility service at more than one location with the same utility, the utility shall not transfer a balance owing from one premises account to another until the customer has failed to pay the final bill rendered for that premises or the customer requests that the final balance be transferred directly to the other premises account. When transferring final balances from one premises account to another, the utility shall indicate on the bill the location where the amount due originated.
- g) Each utility shall have in its tariffs on file with the Commission and on its website an example of its bill form.

Section 280.60 Payment

- a) Intent: To describe the methods of payment for utility service; recording of payment receipt; determining lateness of payment; allocation of payment amounts to the customer's account; and limitations on payment methods for accounts where non-sufficient funds (NSF) payments have been made.

b) Method of payment:

- 1) At a minimum, the utility shall provide detailed information about all methods of payments on the utility's website and in the customer information packet required in this Section.
- 2) The utility's bill to the customer shall advise the customer how to obtain information on the available payment methods. When contacted by a customer inquiring about making a payment, the utility's customer service personnel shall advise the customer of the available methods of payment, including the most expedient and least cost methods of available payment.
- 3) When a utility determines that it will no longer accept a specific alternative method of payment, it shall provide advance notice to the affected customers.

c) Late payment:

- 1) Payment is late when it has not been received by the utility within two days after the due date on the bill.
- 2) The date a payment or payment instrument is presented to or arrives at the utility or its agent/vendor is the date of payment receipt.
- 3) A utility shall not wait until funds are transferred or posted to the utility bank account for purposes of determining payment receipt.

d) Late fees:

- 1) If a utility elects to assess late fees, it shall file a tariff describing the late fees.
- 2) Late fees shall not ~~to~~ exceed 1.5% per month assessed towards any undisputed amounts remaining unpaid for more than two days after the due date on a bill.
- 3) For past due amounts on a bill for an account subject to a budget payment plan, late fees shall be assessed on any undisputed past due budget payment amounts. Late fees shall not be assessed on amounts owing on a budget payment plan.
- 4) A utility shall not continue to assess late fees on any final bill that has been outstanding for more than six months.
- 5) Late fees shall not be assessed on any amount billed which is not for utility service.

Comment [A17]: Ruckman Rebut. pp. 7-9, ll. 148-149, 177-183 ; Ruckman Rebut. pp. 7-9, ll. 148-149, 177-183.

Comment [A18]: Ruckman Dir. pp. 7-8, ll. 158-169; Ruckman Rebut. pp. 6-8, ll. 133-176, ll. 175-176.

- 6) Late fees for units of State government shall be assessed according to the State Prompt Payment Act [30 ILCS 540/1]. No late payment charges shall be assessed on the amounts owing on units of County and local government (including but not limited to townships, municipalities and school districts) until 45 days from the date of the issuance of the bill for utility service.
- e) Partial payment allocation:
 - 1) A utility shall not apply payments towards any amount in dispute.
 - 2) In the event that a customer submits a partial payment when arrearages exist, the utility shall apply the payment first to delivery services charges. Any remaining funds from the partial payment shall next be applied to supplier power and energy charges.
 - 3) In the event that there are no arrearages, charges for delivery services shall receive first priority over all other amounts due on a customer's bill. After delivery services charges are paid, funds shall next be applied to supplier power and energy services.
 - 4) Partial payments shall not be applied towards any other charges until all delivery services charges and supplier power and energy services charges are paid in full.
- f) Returned payments:
 - 1) Limiting: A utility shall not limit a customer from paying by any of the available methods acceptable to the utility unless the customer has provided one or more returned payments in the past 12 months, without explanation from the customer's financial institution that the returned payment was not the customer's fault.
 - 2) Notice: A utility shall notify a customer when it will no longer accept a form of payment from the customer as a result of returned payment.

Section 280.65 Late Payment Fee Waiver for Low Income Customers

a) This section does not apply to customers of water, sewer or combined water and sewer utilities.

ab) Waiver: A low income customer shall not be assessed late payment fees while he/she is qualified as a low income customer.

Comment [A19]: Ruckman Dir. pp. 4-5, ll. 84-109; Ruckman Rebut. pp. 4-5, ll. 61-77.

- | ~~bc~~) New qualification: When a customer is qualified as a low income customer, the utility shall not be obliged to waive late fees that were assessed prior to qualification.
- | ~~ed~~) Expiration of qualification: If a customer is not re-qualified as a low income customer, then the utility may begin assessing late fees on past due amounts. However, late fees shall not be assessed retroactively on bills during the time period when the customer was qualified as a low income customer.

Section 280.70 Preferred Payment Date

- a) Intent: An eligible residential customer who is billed monthly and who can demonstrate that his or her primary source of income is derived from a benefit that is received during the ten day period after the customer's regular due date shall be entitled to a preferred payment date to enable the customer to submit timely payments.
- b) Notification: When a customer pays late two times in a 12 month period, the utility shall notify the customer of the availability of a preferred payment date. The utility shall make a record on the customer's account of the notification, and notification shall be made by any of the following methods:
 - 1) Message included in the customer's bill;
 - 2) Separate written communication; or
 - 3) Verbal communication.
- c) Eligibility: Residential customers shall be eligible for a preferred payment date if they are included in any one of the following:
 - 1) Customers receiving Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind and Disabled (AABD);
 - 2) Customers receiving benefits from General Assistance or Supplemental Security Income;
 - 3) Customers receiving income from Social Security benefits or Veterans benefits; or
 - 4) Customers receiving unemployment compensation benefits.
- d) Options: The utility shall inform an eligible customer of the following options from which the customer may choose:

- 1) Enter into a budget payment plan with a preferred payment date that is not more than ten days after the customer's regular billing date and is agreed upon by the customer and the company; or
 - 2) Establish a preferred payment date that shall not be more than 10 days after the customer's regular billing date.
- e) Removal: If the customer fails to pay on or before the preferred payment date more than four times in a 12 month period, the utility may remove the customer's account from the preferred payment date and return the customer to the regular bill due date. After the removal of a customer, the utility shall not be obliged to offer the preferred payment date to that same customer for a period of 12 months.

Section 280.80 Budget Payment Plan

- a) Intent: To provide a process to equalize payments for utility service, based upon the customer's average bill instead of the actual fluctuating amount for each separate billing period.
- b) Applicability: The requirements of this section shall apply to residential customers and small business customers. Nothing shall prevent a utility from offering a budget payment plan to non-residential customers that are not small businesses.
- c) Eligibility:
 - 1) No past due amount owing: A customer whose account balance is current may enroll in a budget payment plan at any time of the year.
 - 2) Past due: In order to establish eligibility for a budget payment plan, a customer owing a past due amount must either pay the entire past due amount or enter into a deferred payment agreement (DPA) with the utility to retire the past due debt.
- d) Offering: The utility shall inform its customers of the availability of its budget payment plan and encourage its use.
- e) Enrollment: Upon inquiry from the customer, the utility shall calculate and advise the customer what the projected budget payment plan amount will be for the customer's account. If the customer accepts the offer to enroll in budget billing, the utility shall begin the plan for that account.
- f) Bill itemization: In addition to the regular billing requirements of Section 280.50, the bill statement for an account enrolled in the budget payment plan shall contain separate line items for:

- 1) The budget payment amount; and
 - 2) The amount of the accrued credit or shortfall.
- g) Periodic adjustments:
- 1) If the customer's usage and regular billing changes so that the budget payment plan will not be successful if left at its current level, then the utility shall review and adjust the budget payment plan amount.
 - 2) If the budget payment plan amount must be altered, the utility shall notify the customer of the change in writing. Notification may be included with the bill statement or by separate delivery.
- h) Reconciliation: If a customer's budget payment plan shortfall or credit becomes so large as to necessitate a reconciliation, then the utility shall:
- 1) In the case of a shortfall, offer the customer the option to pay off the shortfall or have the budget amount adjusted to accommodate the shortfall; or
 - 2) In the case of a credit, offer the customer the option of a refund or have the budget amount adjusted to accommodate the credit balance.
- ~~i) Late payments: No late payment fees shall be assessed on an account on a budget payment plan.~~
- j) Transfer of service: When a customer on a budget payment plan informs the utility that the customer will be transferring service with that utility from the current location to a new location served by the same utility, the utility shall advise the customer what the projected budget payment plan amount will be at the new location and that the customer may choose to either remain on the budget payment plan at the new location or cancel the plan.
- k) Cancellation:
- 1) A customer may cancel a budget payment plan at any time.
 - 2) A utility may cancel a customer's budget payment plan when the customer either submits a payment that is less than the full budget payment plan amount or the customer's payment is 21 days in arrears.
 - 3) Any shortfall amount owing to the utility at the time of cancellation shall be included and payable as current charges on the next bill statement.

Comment [A20]: Ruckman Dir. pp. 7-8, ll. 158-169; Ruckman Rebut. pp. 6-8, ll. 133-176, ll. 175-176.

- 4) Any credit amount owing to the customer at the time of cancellation shall appear as a credit on the next bill statement. After the issuance of that bill statement, the provisions of Section 280.110 shall apply to the credit balance.

Section 280.90 Estimated Bills

- a) Intent: To describe the utility's responsibilities to obtain actual readings of the customer's meter, and describe the process by which a utility may issue an estimated bill to a customer when the utility is unable to obtain an actual reading or a customer reading.
- b) Utility meter reading:
 - 1) A utility shall perform an actual reading of a customer's meter at least every second billing period unless the utility's effort to do so is prevented.
 - 2) When the utility's effort to read the meter fails, it shall record the date, time of day, utility personnel involved, and the reason for the failure. The record shall be retained for a period of two years. In addition, its field representative making the visit to read the meter shall leave a door tag at the premises. The door tag shall indicate when the utility representative was there and provide the utility's contact information for the customer to set up an appointment with the utility to gain access to the meter. If the customer's meter is equipped with a remote reading device to obtain a reading without the presence of field personnel on the customer's property, then the utility may mail or use other means to deliver written notification of the failed reading to the customer in lieu of leaving a door hanger.
 - 3) A reading provided by a remote reading system or device shall be considered an actual reading.
 - 4) A reading provided by a Commission certified meter service provider in compliance with the utility's tariff shall be considered an actual reading.
 - 5) If a utility issues two consecutive estimated bills to a customer, then the utility shall contact the customer to resolve the reason for the consecutive estimated bills, so that the utility may obtain an actual reading of the meter or a customer reading. If the utility is unable to contact the customer, it shall send a letter advising the customer of the utility's need for contact on the matter. The utility shall make a record of each effort to contact the customer.
- c) Customer meter reading:

- 1) A customer reading of the meter provided to the utility shall satisfy the actual reading requirement in subsection (b)(1). However, a utility shall not require a customer to provide customer readings when the customer can provide access to the meter for utility personnel.
 - 2) After six consecutive months of customer provided readings, a utility shall take an actual reading of the meter in accordance with the provisions of subsections (b)(1) and (b)(2) above.
- d) Meter readings for beginning and ending service: Unless a utility has taken an actual reading of the meter within the past 60 days, it shall take an actual reading of the meter as prescribed in this subsection. The utility may satisfy the requirements this subsection on the day before or the day after the beginning or ending date if that date falls upon a non-business day of the utility.
- 1) On the beginning date of service for a new customer so long as the new customer has provided the utility with at least five days advance notice of the start date, and so long as the customer provides the utility with access to the meter;
 - 2) On the ending date of service for a customer who is stopping service, so long as the customer has provided the utility with at least five days advance notice of the end date, and so long as the customer provides the utility with access to the meter.
- e) Estimated bill formula: A utility's formula for estimating customer meter readings shall be filed in the utility's tariff.
- h) Bill labeling:
- 1) A bill based upon an estimated reading shall indicate that it is an estimated bill and that the meter reading figure is an estimated reading.
 - 2) A bill based upon an actual reading shall indicate that the meter reading figure is an actual reading.
 - 3) A bill based upon a customer reading shall indicate that the meter reading figure is a customer reading.

Section 280.100 Previously Unbilled Service

- a) Intent: To provide for the billing and payment of previously unbilled service caused by errors in measuring or calculating a customer's bills.
- b) Time limits:

- 1) Bills for any utility service, including previously unbilled service, supplied to a residential customer shall be issued to the customer within 12 months after the provision of that service to the customer.
- 2) Bills for any utility service, including previously unbilled service, supplied to a non-residential customer shall be issued to the customer within 24 months after the provision of that service to the customer.
- 3) The time limits of subsections (b)(1) and (b)(2) shall not apply to previously unbilled service attributed to tampering, theft of service, fraud or when the customer prevents the utility's recorded efforts to obtain an accurate reading of the meter.
- 4) No utility shall delay billing beyond the normal bill cycle on purpose.
- c) Itemization: Any amount attributed to previously unbilled service shall be labeled as such on the customer's bill and include the beginning and ending dates for the period during which the previously unbilled amount accrued.
- d) Calculation: For previously unbilled service accrued over a period of time where the rates for service have varied, the utility shall issue the makeup billing amount calculated on a pro-rated basis to reflect the varying rates.
- e) Payment:
 - 1) If a utility issues a makeup bill for previously unbilled service, it shall offer the customer a special payment arrangement to retire the amount by periodic payments without interest or late fees over a time equal to the amount of time for the delay in billing.
 - 2) The special payment arrangement does not exhaust a customer's right to a deferred payment arrangement (DPA) or medical payment arrangement (MPA), provided however, that neither the special payment arrangement nor the DPA nor the MPA may be used simultaneously unless it is agreed to by both the utility and the customer.
 - 3) Late fees may be assessed towards any installment amount on the special payment arrangement that is unpaid after two days beyond the due date on the bill containing that installment.

Section 280.110 Refunds and Credits

- a) Intent: To describe the procedures for customers to receive credits and refunds for overpayments and overcharges for utility service.

- b) Billing time period for refunds and credits due to overcharges resulting from utility error:
- 1) A utility shall issue a refund or credit to a customer's account for the full period of time during which an overcharge occurred, so long as either the utility or the customer has retained billing records that would allow determining a refund or credit.
 - 2) A utility shall retain billing records and ledgers that would allow determining a refund or credit for a minimum of two years from the current date.
 - 3) A utility shall not be obliged to issue to a customer a refund or credit that extends into a time period during which that customer was not the customer of record. Exceptions may be made when the utility issues a refund or credit as a result of a Commission order.
- c) Overpayment without utility error:
- 1) If the overpayment is the result of the customer paying more than the amount due on the bill, then the overpayment shall be noted on the customer's next bill statement, itemized to indicate the credit balance.
 - 2) If the customer requests that the money overpaid be refunded to him/her, then the utility shall be obliged to do so as long as the overpayment credit amount exceeds 25% of the customer's average monthly bill. The refund shall be made within 10 business days after the utility confirms that it has received the money involved with the overpayment.
- d) Interest on refunds and credits for overpayment due to utility error: When a customer's overpayment is the result of an error on the part of the utility, any All refunds and-or credits resulting from that overpayment shall be accompanied with interest calculated at the rates set by the Commission for customer deposits. Interest shall accrue over the full time period during which the overpayment occurred and up to the date upon which the refund is sent to the customer or the credit issued to a customer's account is consumed by future billing.
- e) Itemization of overcharges: All credits and refunds resulting from overcharges shall be accompanied by an itemization describing the reason for the credit or refund to the customer.
- f) Credit to bill statement or direct refund to customer:
- 1) Regular billing: For active service or transfer of service accounts, the utility shall issue either a credit to the account or, if the customer requests

Comment [A21]: Ruckman Dir. p. 8, ll. 179-183;
Ruckman Rebut. p. 9, ll. 184-200.

it at any time, make a direct refund to the customer so long as the credit balance exceeds 25% of the customer's average monthly bill.

- 2) Final bills: When the credit amount exceeds the total amount due on a customer's final bill, the utility shall issue a direct refund to the customer.
 - 3) Exemptions for refunds: A utility shall not be obliged to issue a refund to a customer for a credit balance accrued as the result of Commission approved billing programs or rates that specifically disallow the issuance of refunds, or where the customer owes the utility a past due amount for the same class and type of service at another location.
- g) Time limit to file complaint:
- 1) Excessive or unjust charges: *All complaints for the recovery of damages shall be filed with the Commission within 2 years from the time the produce, commodity or service as to which complaint is made was furnished or performed.* [220 ILCS 5/9-252]
 - 2) Refunds for overcharges: *When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by the Commission. Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.* [220 ILCS 5/9-252.1]

Section 280.120 Deferred Payment Arrangements (DPAs)

- a) Intent: Payment arrangements shall be structured and administered so as to maximize the successful retirement of past due ~~utility service~~ amounts owing to the utility while allowing the customer to retain active utility service.
- b) Eligibility:
 - 1) Mandatory offering by the utility: A residential customer owing a past due amount ~~to the utility for utility service~~ and who requests a deferred payment arrangement (DPA) shall be eligible for a ~~deferred payment arrangement (DPA)~~ so long as the customer has not failed to complete a previous DPA in the past 12 months.

Comment [A22]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

Comment [A23]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

Comment [A24]: Ruckman Dir. pp. 8-9, ll. 184-186; Ruckman Rebut. pp. 9-10, ll. 201-210.

~~A) At any time a customer's account balance owing is brought to current status, the utility shall consider all previous DPAs completed.~~

Comment [A25]: Ruckman Dir. pp. 8-9, ll. 184-185, 187-197.

B) A customer who is eligible for a DPA under this subsection shall remain fully eligible until utility service is disconnected.

2) Optional offering by the utility:

A) At the utility's discretion, an applicant owing a past due amount ~~for utility service~~ may enter a DPA to retire the debt.

Comment [A26]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

B) At the utility's discretion, a non-residential customer owing a past due amount ~~for utility service~~ may enter a DPA to retire the debt.

Comment [A27]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

C) At the utility's discretion, a residential customer owing a past due amount ~~for service~~, but who is not automatically eligible for a DPA under (b)(1) above, may enter into a DPA to retire the debt.

Comment [A28]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

c) Amounts included in DPA: The DPA shall ~~only~~ include amounts owing for utility service for which the utility would otherwise be entitled to disconnect the customer's service after proper notice if the customer was not on the DPA.

Comment [A29]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

d) ~~Transfer: When a customer transfers service, an existing DPA established at the old premises shall, at the discretion of the utility, either (1) transfer automatically with the customer to the new premises; or (2) cease, with a new DPA established at the new premises.~~

Comment [A30]: Ruckman Dir. pp. 8-10, ll. 184-185, 202-208.

e) Bill itemization:

1) Each bill rendered to a customer who has established a DPA with the utility and has not defaulted shall include the following information:

A) The total balance remaining on the DPA;

B) The amount of the installment; and

C) The number of remaining installments on the DPA.

~~2) If a DPA defaults and is not reinstated prior to the next bill statement, the utility shall notify the customer of the default by at least one of the following methods:~~

~~A) A message on the next bill statement, including the amount required to reinstate the DPA; or~~

~~B) A separate written notice including the amount required to reinstate the DPA; or~~

~~C) A live phone call to the customer, provided that the utility shall make a record of the date, time of day and utility personnel involved in the phone call, and retain the record for a period of two years. If the utility is unable to speak with the customer directly, then it shall provide either a message on the next bill statement or separate written notice of default in accordance with subsections (e)(2)(A) or (e)(2)(B) above.~~

Comment [A31]: Ruckman Dir. pp. 8-9, 10, ll. 184-185, 214-218.

f) Down payment:

- 1) In order to initiate a DPA, the customer must pay a minimum of 25% of the past due amount ~~for utility service.~~
- 2) By agreement with the customer, the utility may include current billing amounts with the past due amount as the total balance from which the 25% down payment may be calculated.
- 3) At the utility's discretion, the down payment amount may be decreased.

Comment [A32]: Ruckman Dir. pp. 8-9, ll. 184-185, 198, 201.

g) Length of DPA:

- 1) ~~The amount of time negotiated with the customer for the completion of the DPA shall be set between 4 to 12 billing cycles for electric and gas utility service, with the utility having the discretion to allow more than 12 billing cycles for completion of the DPA. The amount of time negotiated with the customer for the completion of the DPA shall be set between 2 to 12 billing cycles for water and wastewater utility service, with the utility having the discretion to allow more than 12 billing cycles for completion of the DPA.~~
- 2) In determining the length of time to offer, the utility shall take into account the ability of the customer to successfully complete the DPA.
- 3) If a residential customer's household income will not allow the customer to successfully complete a DPA of any length, then the utility shall advise the customer of the availability of local assisting agencies.

Comment [A33]: Ruckman Dir. pp. 8-9, 10, ll. 184-185, 209-213.

h) Installments:

- 1) The installments shall be equal amounts, unless unequal amounts are established by agreement with the customer.

- 2) The installments shall be due at the same time as the regular bill due dates.
- i) Default:
- 1) A utility may consider a DPA in default when a customer fails to pay the full amount of the installment and the current bill by the second day after the bill due date.
 - 2) The utility may resume collection activity after a DPA defaults, including delivery of a disconnection notice and subsequent disconnection of the service unless the customer pays the full amount past due or pays the reinstatement amount and any applicable reinstatement fee in order to resume the DPA.
- j) Reinstatement:
- 1) A utility is not obliged to reinstate a defaulted DPA once it has disconnected service to the customer for non-payment.
 - 2) A customer may reinstate a previously defaulted DPA by paying the required amount of the DPA installments owing up to that date on the DPA, including all past due bills that were not included in the original DPA amount.
 - 3) The utility shall not assess a reinstatement fee for the first reinstatement of a defaulted DPA.
 - 4) For each subsequent default after the first, in addition to paying the amounts required under subsection (j)(1) above, the customer shall pay a reinstatement fee if the utility has filed a tariff establishing a reinstatement fee.
- k) Renegotiation:
- 1) A customer whose financial conditions change during the course of a DPA shall be allowed to renegotiate the length of the DPA with the utility to ensure its successful completion.
 - 2) One such renegotiation is allowed during the course of a DPA, so long as:
 - A) The customer is willing to discuss the customer's financial circumstances;
 - B) The customer has at least made the down payment on the original DPA; and

- C) The DPA is not currently in default status.
- 3) Through renegotiation, the utility shall not be obliged to extend the term of the DPA any longer than twice the amount of time established in the original DPA.
- 4) Renegotiation does not preclude a customer's right to reinstate a defaulted DPA prior to disconnection.
- l) Overlapping Arrangements: Multiple arrangements of any type under the Rule shall not be employed simultaneously without the consent of both the utility and the customer. However, the utility shall not maintain an otherwise defaulted arrangement as a means to prevent a customer from using another type of payment arrangement for which the customer is eligible.
- m) Eligibility for winter DPA: a customer's right to establish a winter DPA under Section 280.135 shall be unaffected by any default on a DPA under this Section.

Section 280.125 Deferred Payment Arrangements for Low Income Customers

~~a) This section does not apply to customers of water, sewer or water and sewer utilities.~~

Comment [A34]: Ruckman Dir. pp. 4-5, ll. 84-109; Ruckman Rebut. pp. 4-5, ll. 61-77.

~~ab)~~ Intent: To enable low income customers the means to better retain essential utility services, a low income customer shall be eligible for all the provisions described in Section 280.120, April 1 through November 30, and in addition, a low income customer shall be entitled to the altered provisions described below:

~~bc)~~ Down payment:

- 1) In order to initiate a DPA, a utility may require a maximum down payment of 20% towards the past due amounts for utility service.
- 2) By agreement with the customer, the utility may include current billing amounts with the past due amount as the total balance from which the 20% down payment may be calculated.

~~ed)~~ Length of DPA term:

- 1) The amount of time offered to a low income customer for the completion of a DPA shall be set by the utility for 6 to 12 billing cycles.
- 2) At its discretion, the utility may set the term for a period longer than 12 months.

~~de~~) Reinstatement fee waiver: A utility shall not assess a reinstatement fee for any reinstatement of a DPA by a low income customer.

~~ef~~) Second DPA:

- 1) A utility shall offer a second DPA to a low income customer who is in default on a first DPA if the customer has made at least two consecutive full payments under the first DPA and the customer has not been in default on the first DPA for more than 90 days.
- 2) The second DPA shall be for the same term or longer than the term of the first DPA.
- 3) As a condition of entering the second DPA, the utility may require the customer to participate in the payment option described in Section 280.80.

Section 280.130 Disconnection of Service

- a) Intent: To provide adequate notice and reason for disconnection; allow for the customer to remedy the problem and avoid disconnection; create an expectation to act upon notice by a utility when a customer does not remedy the problem; and set prohibitions and limits on disconnection under certain circumstances.
- b) Allowable reasons for disconnection:
 - 1) Non-payment of past due bill for the same class and type of utility service;
 - 2) Non-payment of valid utility service deposit owing on account;
 - 3) Non-payment of a deposit owing as result of utility evidence of a problem described in Section 280.210;
 - 4) Failure to provide access in multi-meter premises to utility facilities after attempts by the utility to gain access as described in Section 280.140;
 - 5) Failure to provide access to utility facilities after four attempts by the utility to gain access to a single customer premises, provided that the utility must comply with the same notification and record keeping requirements of subsection 280.140 c) 1), 2) and 3);
 - 6) Occupant usage without a valid customer of record;
 - 7) Theft of service and/or tampering;
 - 8) Compliance with any rules of the utility on file with the Commission for which the utility is authorized by tariff to disconnect service;

- 9) Compliance with an order of the Commission;
 - 10) Unsafe condition; or
 - 11) Cooperation with civil authorities.
- c) Non-deniable charges: The following shall not constitute valid reasons for disconnection of regulated utility services:
- 1) Charges for non-utility services, unless otherwise authorized by Illinois statute;
 - 2) Charges for another class (residential or non-residential) of utility service;
 - 3) Charges for another type (gas, electric, water or sewer, unless water and sewer utility service are provided by the same utility) of utility service;
 - 4) Charges for equipment or merchandise; or
 - 5) Charges currently in dispute under Section 280.220 or Section 280.230.
- d) Disconnection notice content: Utility disconnection notices shall conform with Appendices A, B and D of this Part, and shall include at least:
- 1) Date issued;
 - 2) Effective date;
 - 3) Reason for disconnection;
 - 4) Options for the customer to prevent disconnection;
 - 5) Contact information for the utility;
 - 6) Contact information for the Commission's Consumer Services Division; and
 - 7) Medical certification process and customer bill of rights in Appendix B.
- e) Method of disconnection notice delivery:
- 1) All utility disconnection notices shall be sent separately from any other mailing to the customer.

Comment [A35]: Ruckman Dir. pp. 10-11, ll. 223-224, 239-250.

- 2) The notice shall be mailed through the United State Postal Service or hand delivered.
 - 3) The utility shall record the date the notice is sent or delivered and retain that record for a period of two years.
 - 4) Nothing shall prevent a utility from submitting a duplicate notice to the customer electronically as long as it has also mailed or hand delivered a paper version of the notice to the customer.
- f) Third party notice: A customer may designate by written request to the utility that a third party will be sent or delivered a duplicate notice whenever a disconnection notice is sent or delivered to the customer. The utility will send or deliver any third party notice at the same time as the notice is sent or delivered to the customer.
- g) Timing of notice:
- 1) When notice shall be sent: A utility shall not send or deliver a disconnection notice until after one of the reasons described in b) above occurs.
 - 2) Effective date: The utility shall not disconnect service until at least 10 days after the sending or delivery of the notice to the customer.
 - 3) Duration of notice: The notice shall remain effective for 45 days after it is sent or delivered.
 - 4) Overlapping notices: A utility may send or deliver a new notice prior to the expiration of a previous notice. The customer shall be entitled to the remedies offered in the previous notice until the effective date of the new notice.
 - 5) For the purpose of this subsection, the regular monthly bill issued by the utility shall not be considered a new disconnection notice or operate to extend the due date of a previously issued disconnection notice.
- h) Exemptions to notice requirements: Disconnection notices in form of Appendix A to this Part shall be required prior to all disconnections of service, except in cases of:
- 1) Occupant usage without a customer of record, provided that the utility shall refer to subsection (i) below for special provisions related to occupant usage;
 - 2) Theft of service and/or tampering;

Comment [A36]: Ruckman Dir. pp. 10-12, ll. 223-224, 258-265.

- 3) Unsafe condition;
 - 4) Cooperation with civil authorities;
 - 5) Outages and maintenance work; or
 - 6) The current customer has requested the service be disconnected.
- i) Warning letter or door tag required instead of Appendix A disconnection notice for occupant usage without valid customer:
- 1) When the utility has left the service on at a premises and there is usage without a customer of record, it shall send or deliver a warning letter to the premises address or leave a door tag at the premises address, containing the utility's toll free contact information, advising that an applicant must contact the utility to become a new customer or the service will have to be disconnected on or after 10 days have elapsed.
 - 2) If the utility has contact information for the landlord or property manager of the premises, then a duplicate warning letter ~~shall~~ may be sent or delivered to that person at the same time as the warning letter to the premises.
 - 3) If there is no response within 10 days after the sending of the warning letter or leaving of the door tag, the utility shall have the right to disconnect the service.
 - 4) The utility shall not be obliged to send a warning letter to or leave a door tag at a premises when it disconnects service within 10 days after the date that the current customer requests as the date the utility will shut off and end that customer's service.

Comment [A37]: Ruckman Dir. pp. 10-12, ll. 223-224, 251-252.

Comment [A38]: Ruckman Dir. pp. 10-12, ll. 223-224, 252-255.

~~j) Warning call to residential and master metered customers:~~

- ~~1) Unless the customer has no phone number on record, the utility shall provide a warning call to the customer a minimum of 24 hours prior to the scheduled disconnection.~~
- ~~2) The warning call may be live or automated, and it shall advise the customer of the utility's intent to disconnect the service.~~
- ~~3) The warning call shall provide the customer with the toll free or local phone numbers that the customer may use to contact the utility to discuss the situation.~~

~~4) The utility shall make a record of the date, time of day, and its success or failure to reach the customer on the warning call. It shall retain the record for a period of two years.~~

Comment [A39]: Ruckman Dir. pp. 10-12, ll.223-224, 253-257.

- k) Obligation to act:
- 1) When a utility has sent or hand delivered four consecutive disconnection notices to the same customer for the same un-remedied reason for disconnection under subsection (b) above, it shall not be entitled to send a fifth notice of disconnection for the same un-remedied reason unless its effort to disconnect the service has failed. Such failure shall include any temporary moratoriums that would prevent the utility from attempting to disconnect service during the effective period of the disconnection notice.
 - 2) If the utility's effort to disconnect the service fails, the utility shall record the date, time of day, utility personnel involved and a description of the reason for the failure. It shall retain this record for a period of two years.
- l) Time of day and day of the week prohibitions and limits: Except for matters of safety, emergency maintenance and cooperation with civil authorities, a utility shall comply with the following prohibitions and limits upon disconnection:
- 1) Non-business hours prohibition: A utility shall not disconnect a customer within one hour before or at any time during which it does not have its customer service personnel available to handle the customer's contact.
 - 2) Weekday afternoon limits: A utility shall not disconnect a customer after 4:00 PM on Monday through Thursday unless the utility is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 3) Friday limits: A utility shall not disconnect a residential customer after noon on Friday or a non-residential customer after 4:00 PM on Friday, unless it is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 4) Weekend limits: A utility shall not disconnect a customer on Saturday or Sunday unless it is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 5) Holiday limits: A utility shall not disconnect a customer on a State of Illinois or utility holiday, or after noon on any day preceding a State of Illinois or utility holiday, unless the utility is prepared to take the

customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.

- m) Medical certification: A utility shall not disconnect service to a residence for 30 days upon receipt of a valid medical certificate for a resident of the household, so long as the account is eligible for medical certification under Section 280.160.
- n) Temperature prohibitions:
 - 1) Cold weather: *Termination of gas and electric utility service to all residential users, including all tenants of apartment buildings where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment is prohibited:*
 - A) *On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or*
 - B) *On any day preceding a holiday or weekend when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below at any time during the holiday or weekend. [220 ILCS 5/8-205(a)]*
 - 2) Hot weather: *If gas or electricity is used as the only source of space cooling or to control or operate the only space cooling equipment at a residence or master-metered apartment building, then a utility with over 100,000 residential customers may not terminate gas or electric utility service to the residential user, including all tenants of master-metered apartment buildings:*
 - A) *On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above; or*
 - B) *On any day preceding a holiday or weekend when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above at any time during the holiday or weekend. [220 ILCS 5/8-205(b)]*

- o) Energy Act of 1989 Participants (low income customers) winter disconnection prohibition: *Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6] for nonpayment of a bill or deposit where gas or electricity is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 and including March 31 of the immediately succeeding calendar year [220 ILCS 5/8-206(k)].*
- p) Electric space-heating customer winter disconnection prohibition: *A utility that served more than 100,000 electric customers in Illinois as of December 31, 2005 shall not terminate electric service to a residential space heating customer for non-payment from December 1 through March 31 [220 ILCS 5/16-111.6].*
- q) Military personnel on active duty disconnection prohibition: *No company shall stop gas or electricity from entering the residential premises of which a service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises [220 ILCS 5/8-201.5].*

Section 280.135 Winter Disconnection of Residential Heating Services, December 1 through March 31

- a) *Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer or master-metered apartment building for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year, unless:*
 - 1) *The utility:*
 - A) *Has offered the customer a winter deferred payment arrangement (winter DPA) allowing for payment of past due amounts over a period of not less than four months not to extend beyond the following November and the option to enter into a budget payment plan for the payment of future bills. The maximum down payment requirements shall not exceed 10 percent of the amount past due and owing at the time of entering into the agreement; and*
 - B) *provides the customer with the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to customers of public utilities in paying their utility bills; the utility must obtain the approval of an agency before placing the name of that agency on any list which be used to provide the information to customers;*

- 2) *The customer has refused or failed to enter into a winter DPA as described in subsection (a)(1)(A) above; and*
 - 3) *All disconnection notice requirements as provided by law and this Part have been met by the utility.*
- b) *Prior to termination of service for any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year, all electric and gas public utilities shall, in addition to all other notices:*
- 1) *Notify the customer or an adult (a person over the age of eighteen) residing at the customer's premises either by telephone, a personal visit to the customer's premises or by first class mail, informing the customer that:*
 - A) *The customer's account is in arrears and the customer's service is subject to disconnection for nonpayment of a bill;*
 - B) *The customer can avoid disconnection of service by entering into a deferred payment agreement to pay past due amounts over a period not to extend beyond the following November and the customer has the option to enter into a budget payment plan for the payment of future bills; and*
 - C) *The customer may apply for any available assistance to aid in the payment of utility bills from any governmental or private agencies from the list of the agencies provided to the customer by the utility,*

Provided, however, that a public utility shall be required to make only one such contact with the customer during any period from December 1 through and including March 31 of the immediately succeeding calendar year.
 - 2) *Each public utility shall maintain records which shall include, but not necessarily be limited to, the manner by which the customer was notified and the time, date and manner by which any prior unsuccessful efforts to contact the customer were made. These records shall also describe the terms of the DPA offered to the customer and those entered into by the utility and the customer. These records shall indicate the total amount past due, the down payment, the amount remaining to be paid and the number of months allowed to pay the outstanding balance. No public utility shall be required to retain records pertaining to unsuccessful efforts to contact or DPAs rejected by the customer after the customer has entered into a DPA with the utility.*

- c) *No public utility shall disconnect service for nonpayment of a bill until the lapse of six business days after making the notification required in subsection (b)(1) of this Section so as to allow the customer an opportunity to:*
 - 1) *Enter into a DPA and the option to enter into a budget payment plan for the payment of future bills; and*
 - 2) *Contact a governmental or private agency that may provide assistance to customers for the payment of public utility bills.*
- d) *Any residential customer who enters into a DPA pursuant to this Section, and subsequently, during that period of time set forth in subsection (a) of this Section, becomes subject to disconnection, shall be given notice as required by law and this Part prior to disconnection of service.*
- e) *During that time period set forth in subsection a) of this Section, a utility shall not require a down payment for a deposit from a residential customer, pursuant to Section 280.40 of this Part, in excess of 20% of the total deposit requested. An additional four months shall be allowed to pay the remainder of the deposit. This provision shall not apply to master-metered apartment buildings or other non-residential customers.*
- f) *During that period of time set forth in subsection a) of this Section, the provisions of Section 280.120 of this Part which allow a utility to refuse to offer a DPA to a residential customer who has defaulted on an agreement within the past 12 months are suspended. However, no utility shall be required to enter into more than one DPA under this Part with any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year.*
- g) *In order to enable customers to take advantage of energy assistance programs, customers who can demonstrate that their applications for a local, state or federal energy assistance program have been approved may request that the amount they will be entitled to receive as a regular energy assistance payment be deducted and set aside from the amount past due on which they make DPAs. Payment on the set-aside amount will be credited when the energy assistance voucher or check is received, according to the utility's common business practice.*
- h) *In no event shall any utility send a disconnection notice to any customer who has entered into a current DPA and has not defaulted on that DPA, unless the disconnection notice pertains to a deposit request.*
- i) *Each utility will include with each disconnection notice sent during the period from December 1 through and including March 31 of the immediately succeeding calendar year to a residential customer an insert explaining the above provisions*

and providing a telephone number of the utility company which the customer may call to receive further information.

j) Filing with the Commission:

- 1) *Each utility shall file with the Commission prior to December 1 of each year a plan detailing the implementation of this Section. This plan shall contain, but not be limited to:*
 - A) *A description of the methods to be used to notify residential customers as defined in this Part, including the forms of written and oral notices which shall be required to include all the information contained in subsection b) of this Section;*
 - B) *A listing of the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to residential customers in paying their utility bills;*
 - C) *The program of employee education and information which shall be used by the company in the implementation of this Section; and*
 - D) *A description of methods to be utilized to inform residential customers of those governmental and private agencies and current and planned methods of cooperation with those agencies to identify the customers who qualify for assistance in paying their utility bills.*
- 2) *A utility which has a plan on file with the Commission need not resubmit a new plan each year. However, any alteration of the plan on file must be submitted prior to December 1 of any year.*
- 3) *All plans are subject to review and approval by the Commission which may direct a utility to alter its plan to comply with this Part. [220 ILCS 5/8-206]*

Section 280.140 Disconnection for Lack of Access to Multi-Meter Premises

- a) Intent: To provide adequate notice and reason for disconnection of an entire multi-meter premises when a utility is unable to gain access to its facilities; allow for the customers of the premises to remedy the problem and thereby avoid disconnection; and set prohibitions and limits on this form of disconnection.
- b) Allowable reasons for disconnection of an entire multi-meter premises:

- 1) The customers have failed two consecutive times to provide access to utility facilities in order to meet regulatory requirements, including but not limited to, inside safety inspections and meter exchanges;
 - 2) The customers have failed three consecutive times to provide access to utility facilities for non-payment disconnections; or
 - 3) The customers have failed four consecutive times to provide access to utility facilities for meter readings.
- c) Utility actions required prior to disconnection of an entire multi-meter premises:
- 1) The utility must seek access by physical visit. For each failure to gain access, the utility must record the date, time of day, utility personnel involved, a detailed description of utility's efforts to gain access and the reason for each failure to gain access. The utility shall retain the records for a period of two years; and
 - 2) For each effort to gain access, the utility must send or deliver warning letters to each affected customer with at least ten days advance notice of the utility's intent to gain access and the need for the customer to contact the utility to set up an appointment to provide access;
 - 3) After the final consecutive failure to provide access, according to the number of consecutive failures required in subsection (b) above, the utility must send or deliver a disconnection notice to each affected customer as required by Section 280.130;
 - 4) At the same time the utility sends or delivers the notices required in subsection (c)(3) above, it must also post the building with a written notice of disconnection; and
 - 5) if the utility seeks access to disconnect non-paying customers, the utility must send or deliver a disconnection notice for non-payment to the customer(s) in the premises that it intends to disconnect for non-payment.
- d) Inconvenience compensation credit:
- 1) An inconvenience compensation credit shall be issued by the utility to the accounts of customers who are not otherwise eligible for non-payment disconnection when those customers are disconnected as a result of the utility's disconnection of non-paying customers in the same premises.
 - 2) The inconvenience compensation credit shall be equal to the amount of the utility's customer charge to that customer for a single billing period.

- e) Limitations on non-payment disconnections for multi-meter premises: All of the limits, prohibitions and protections to customers offered in Section 280.130 and Section 280.135 shall apply equally to lack of access disconnections of multi-meter premises for non-payment.
- f) Reconnection: If access is provided, the utility shall be prepared to reconnect service on the same day as the disconnection for any customers of a multi-meter premises who were otherwise not eligible for non-payment disconnection.

Section 280.150 Disconnection of Master-Metered Apartment Buildings

Reference to governing statute: Rental Property Utility Service Act [765 ILCS 735] governs procedures for disconnection of service to accounts affecting master-metered apartment buildings when a landlord or property manager has not paid the utility bill for the master-metered account. These procedures include requirements for a utility to:

- a) Inform tenants of the pending disconnection of their utility service; and
- b) Set out their remedies including the right to petition a court for appointment of a receiver to collect rents and remit a portion thereof to the utility for payment of utility bills.

Section 280.160 Medical Certification

- a) Intent: To temporarily prohibit disconnection of utility service to a residential customer for at least 60 days in cases of certified medical necessity; and to provide an opportunity for the customer to retire past due amounts by ~~periodic installments under an automatic medical payment arrangement (MPA) commencing after 30 days DPA.~~
- b) Certifying parties: Certification may be made by either a licensed physician or a local board of health.
- c) Method of certification:
 - 1) Initial certification by phone call is allowed.
 - 2) Written (may be mailed, faxed or delivered electronically) certification must be provided within 7 days after an initial certification by phone call.
- d) Certificate content:
 - 1) Name and contact information for the certifying party;
 - 2) Service address and name of patient;

Comment [A40]: Ruckman Dir. p. 12, ll. 266-270, 278-281.

3) A statement that the patient resides at the premises in question; and

4) ~~A statement that the disconnection of utility service will aggravate an existing medical emergency or create a medical emergency for the patient. A detailed explanation of why the discontinuation of a specific utility service will cause a life-threatening medical condition for the customer or another resident of the customer's premises.~~

Comment [A41]: Ruckman Dir. pp. 12-13, ll. 266, 271-277; Ruckman Rebut. pp. 11-13, ll. 248-274.

e) Certificate timing:

~~1) Certificate presentation prior to disconnection earns a Medical Payment Arrangement term, as described under subsection (h)(1) below.~~

~~2) A Certificate certificate may be presented up to 14 days after disconnection. It is the, with utility's discretion as to whether it shall accept a certificate after more than 14 days from disconnection have passed. Certification presented after disconnection earns a medical payment arrangement term, as described under subsection (h)(2) below.~~

Comment [A42]: Ruckman Dir. p. 12, ll. 266-270, 278-281.

f) Restoration:

- 1) When a valid medical certification is made to the utility up to 14 days after disconnection, service shall be restored within one day of the certification.
- 2) The utility shall not treat the disconnected customer as an applicant for service for purposes of restoration under a medical certificate.

g) Duration of certificate: The certificate shall protect the account from disconnection for 60 days from the date of certification. If the customer was disconnected prior to certification, then the 60 day period shall not begin until the utility restores the customer's service.

h) ~~Medical-Deferred Payment Arrangements (MPADPAs): If valid medical certification is received prior to or after disconnection, the utility shall enter into a DPA with the customer which complies with the requirements of Section 280.120. Such DPA shall be concluded within twelve billing cycles.~~

Comment [A43]: Ruckman Dir. p. 12, ll. 266-270, 278-281.

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~~1) If valid medical certification is received prior to disconnection, then the first bill statement that will be due after 30 days from the certification date shall indicate:~~

~~A) An amount to pay that is equal to 1/12th of the total amount owing for utility services by the customer;~~

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~~B) The remaining balance owing for utility services;~~

~~C) That the customer is on a medical payment arrangement; and~~

~~D) 11 remaining installments of equal amounts to be paid on future bills.~~

~~2) If valid medical certification is received after disconnection, then the first bill statement that will be due after 30 days from the certification date shall indicate:~~

~~A) An amount to pay that is equal to 1/4th of the total amount owing for utility services by the customer;~~

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~~B) The remaining balance owing for utility services;~~

~~C) That the customer is on a medical payment arrangement; and~~

~~D) Nine remaining installments of equal amounts to be paid on future bills.~~

~~3) Valid medical certification shall earn the customer an MPADPA, regardless of the success or failure of previous payment plans of any sort.~~

Comment [A44]: Ruckman Dir. p. 266, ll. 266, 271-273.

i) New certification of previously certified accounts: Accounts that received a prior valid medical certificate shall be eligible for new certification any time after either:

1) The total account balance has been brought current; or

2) 12 months from the beginning date of the prior certification has passed.

Section 280.170 Timely Reconnection of Service

a) Intent: To provide for the timely reconnection of disconnected customers after they have remedied the reasons for the disconnection or provided valid medical certification.

b) Timing: Once a disconnected customer remedies the reason for the disconnection or provides a valid medical certificate, the utility shall prioritize reconnection as indicated in this subsection. If the utility does not comply with the time limits in this subsection, it shall not bill the customer a reconnection charge. If, through no fault of the customer, the utility delays reconnection for two or more calendar days beyond the number of days required in this subsection, then it shall issue a credit to the customer's account equal to the monthly customer charge for that customer pro-rated by the number of days of the delay beyond the requirements of this subsection.

1) A customer account where a valid medical certificate has been provided shall receive first priority and be reconnected within one business day after the certification.

- 2) A customer disconnected in error shall be reconnected within one business day.
 - 3) A disconnected electric, water or sewer customer who remedies the reason for the disconnection, and is not required by the utility to provide information as a new applicant for service, shall be reconnected within four calendar days.
 - 4) A disconnected natural gas customer who remedies the reason for the disconnection, and is not required by the utility to provide information as a new applicant for service, shall be reconnected within seven calendar days.
- c) Exception for lack of access: A utility shall not be obliged to conform to the above time limits in subsection (b) if it is not allowed access to reconnect the service; provided, however, that the utility must record the date, time of day, utility personnel involved and the reason access was not gained. It shall retain the record for a period of two years.
 - d) Exception for disconnection not at the meter or not at the normal place of disconnection: A utility shall not be obliged to conform to the above time limits in subsection (b) if it was forced to by lack of access to disconnect the service at a location other than the meter or at a place other than the normal place of disconnection if the utility does not normally disconnect service at the meter.
 - e) Exception for damage or unsafe condition: A utility shall not be obliged to conform to the above time limits of subsection (b) if repair, construction or correction of an unsafe condition is required prior to reconnection of service.
 - f) Temporary exception for unforeseen circumstances: A utility that experiences temporary unanticipated overload of its ability to provide for the timely reconnection of disconnected customers may, upon notice explaining the circumstances to the Consumer Services Division of the Commission, temporarily forego the requirements of this section so long as the utility can demonstrate that it is taking diligent action to remedy the overload.
 - g) If service was shut off in error, the utility shall not bill the customer a reconnection charge.

Section 280.180 Reconnection of Former Residential Customers for the Heating Season

- a) *Any former residential customer whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose service is disconnected for non-payment of a bill or a deposit from December 1 of the prior winter's heating season through April 1 of the current heating season shall be eligible for reconnection and a deferred payment arrangement under the*

provisions of this Section. Under this Section, a former residential customer shall also include a former customer who has moved to a new location after the service at the customer's former premises was disconnected. However, it shall be the responsibility of the former customer to notify the utility of his or her need for service at the new premises, and a utility shall not be obliged to search for former customers who have moved for the purpose of subsection g) below.

- b) *Limitations: A utility shall not be required to reconnect service to and enter into a deferred payment arrangement with a former customer under the provisions of this Section:*
- 1) *Except between November 1 and April 1 of the current heating season for former customers who do not have applications pending for the program described in Section 6 of the Energy Assistance Act [305 ILCS 20/6], and except between October 1 and April 1 of the current heating season for all former customers who do have applications pending for the program described in Section 6 of the Energy Assistance Act and who provide proof of application with the utility.*
 - 2) *In two consecutive years;*
 - 3) *Unless that former customer has paid at least 33 1/3 percent of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year. A former customer who did not pay the required amount prior to disconnection may establish eligibility by paying the required amount when seeking reconnection under this section. In addition to calculating the 33 1/3 percent the former customer must pay to establish eligibility, the utility shall calculate the amount the customer must pay to enter into a payment agreement. For purpose of simplification, the utility shall inform the customer of the total amount needed for reconnection, including amounts required under subsections (b)(3), (b)(4), (d) and (e) of this Section. The utility shall accept multiple sources of payment, including but not limited to energy assistance program payments, for purposes of satisfying this requirement.*
 - 4) *Until the customer pays the charges associated with the tampering, in any instance where the utility can show that there has been tampering with the utility's wires, pipes, meters (including locking devices), or other service equipment and further shows that the former customer enjoyed the benefit of utility service in the aforesaid manner.*
- c) *DPA: The terms and conditions of any deferred payment arrangements established by the utility and a former customer shall take into consideration the following factors, based upon information available from current utility records or provided by the former customer:*

- 1) *The amount past due;*
 - 2) *The former customer's ability to pay;*
 - 3) *The former customer's payment history;*
 - 4) *The reasons for the accumulation of the past due amounts; and*
 - 5) *Any other relevant factors relating to the former customer's circumstances.*
- d) *After the former customer's eligibility has been established in accordance with subsections (a) and (b) of this Section, and, upon the establishment of a deferred payment agreement, the former customer shall pay 1/3 of the amount past due (including reconnection charge, if any) and 1/3 of any deposit required by the utility.*
- e) Reconnection:
- 1) *Upon payment of the 1/3 of the amount past due and 1/3 of any deposit required by the utility, the former customer's service shall be reconnected as soon as possible. The company and the former customer shall agree to a payment schedule for the remaining balances which will reasonably allow the former customer to make the payments on the remainder of the deposit and the past due balance while paying current bills during the winter heating season.*
 - 2) Notwithstanding the foregoing, *a former customer who demonstrates to the utility, or to the Commission through formal or informal complaint under Sections 280.220 or 280.230, a financial inability to meet the requirement of the 1/3 of the amount past due and 1/3 of any deposit requested by the utility, shall be reconnected upon paying a reasonable amount and upon entering into a deferred payment agreement*
 - A) In determining financial inability under this subsection, the following factors, among others, shall be considered:
 - i) The combined income and financial resources of all persons residing in the former customer's household;
 - ii) The combined living expense of the former customer's household;
 - iii) The former customer's payment history;
 - iv) The reasons for the accumulation of past due amounts; and

- v) A low income customer as defined by this Part shall automatically qualify for financial inability under this subsection.
- B) For purposes of this subsection, a "reasonable amount" shall be 20 percent of the amount past due and 20 percent of any deposit required by the utility.
- 3) However, the utility is not obliged to make payment arrangements extending beyond the following November. The utility shall allow the former customer a minimum of four months in which to retire the past due balance and a minimum of three months in which to pay the remainder of the deposit. The former customer shall also be informed that payment on the amounts past due and the deposit, if any, plus the current bills must be paid by the due date or the customer may be subject to disconnection of service.
- f) *Any payment agreement made shall be in writing, with a copy provided to the former customer.* The renegotiation and reinstatement provisions contained in Sections 280.120 and 280.125 and the budget payment plan provisions of Section 280.80 shall also apply to payment agreements made pursuant to this Section.
- g) Survey and notice to affected customers:
 - 1) *Not later than September 15 of each year, every gas and electric utility shall conduct a survey of all former residential customers whose gas and/or electric service was used to provide or control the primary source of space heating in the dwelling and whose gas and/or electric services was terminated for non-payment of a bill or deposit from December 1 of the previous year to September 15 of that year and where service at that premises has not been restored.*
 - 2) *Not later than October 1 of each year the utility shall notify each of these former customers that the gas and/or electric service will be restored by the company for the coming heating season if the former customer contacts the utility and makes arrangements to pay the past due balance and any deposit to the utility under the conditions set forth in this Section.*
 - 3) *A utility shall notify the former customer or an adult member of the household by personal visit, telephone contact or mailing of a letter by first class mail to the last known address of that former customer. The utility shall keep records which would indicate the date, form and results of the contact.*

- 4) Any former customer who meets the eligibility requirements under subsections (a) and (b) of this Section shall be eligible for reconnection under this Section, regardless of whether or not the utility identified the former customer in the survey requirements of this subsection and regardless of whether or not that former customer received notification under this subsection.
- h) Not later than November 20 and May 20 of each year, each gas and electric utility which has former customers affected by this Section shall file a report with the Commission providing statistical data concerning numbers of disconnections and reconnections involving utility service and deposits, and data concerning the dollar amounts involved in these transactions. The Commission shall notify each gas and electric utility prior to August 1 of each year concerning the information which is to be included in the report for the following heating season (Section 8-207 of the Act).
- i) *In no event shall any actions taken by a utility in compliance with this Section be deemed to abrogate or in any way interfere with the utility's rights to pursue the normal collection processes otherwise available to it. [220 ILCS 5/8-207]*

Section 280.190 Treatment of Illegal Taps

- a) Intent: To require the utility to investigate high bills resulting from an abnormal or unexplained increase in consumption alleged by a customer. The utility shall investigate the allegation, to the extent customer-owned facilities are readily visible or accessible, to determine the reason and whether the consumption is caused by an illegal tap or diversion of service.
- b) Utility investigation: Where within 30 days after receipt of a utility's bill a customer alleges that the level of consumption is unreasonably high, the public utility furnishing natural gas, electricity or water to that customer shall investigate the allegation.
- c) Notice of investigation results: If, as a result of the investigation, the public utility determines that a tap has been constructed on the pipes and/or wires of the customer, the utility shall attempt to notify the landlord, property owner or his or her agent and instruct that the tap should be removed immediately. The customer shall also be provided with notice of the investigation results.
- d) Disconnection of service: This provision shall in no way prohibit a utility from disconnecting service if the utility determines that an unsafe condition exists.
- e) Utility determination of benefitting party: The utility shall also attempt to determine the identity of the party benefitting from the tapped service. The following procedures shall apply once the tap has been removed:

- 1) The customer whose pipes and/or wires had been tapped by a third party shall be billed by the utility according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.
 - 2) If the utility identifies the third party and finds that the third party is currently a customer of the utility on another account, the utility is authorized to bill that third party's account for the excess usage which is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility.
 - 3) If the utility identifies the third party and finds that the third party is not a customer of the utility, the utility is authorized to bill that third party for the excess usage which is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility using the procedures established for the billing of unauthorized use of utility service.
 - 4) In cases where the utility cannot determine the identity of the party benefitting from the tap, the utility may assign the dollar amount representing the excess usage and expenses to its bad debt account.
- f) Construction error: When the diversion of gas, electricity or water is the result of a construction error in the pipes and/or wires that is not the responsibility of the public utility, the accounts of the customers involved may be adjusted according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.
- g) When the customer of record benefitted from, cooperated in or acquiesced to the tap, the utility may collect from the customer of record for the services associated with the tap.

Section 280.200 Tampering

- a) Intent: Tampering with utility wires, pipes, meters or other service equipment is prohibited. The intent of this Section is to describe the process by which the utility shall bill the customer for (1) the unauthorized usage of service when the utility has proof that the customer benefitted from tampering or (2) for any damage to service equipment which is the result of tampering.
- b) Proof: The utility has the burden of proving by a preponderance of evidence that tampering has occurred with the utility's wires, pipes, meters or other service equipment, and (1) that the customer has benefitted from the tampering, and that the utility's billing is reasonable; or (2) that damage to the service equipment has resulted.

Comment [A45]: Ruckman Rebut. p. 13, IL285-294.

Comment [A46]: Ruckman Rebut. p. 13, IL285-294.

- c) Investigation: When the utility has reason to suspect that tampering has occurred, it shall investigate without delay.
- d) Notice to customer: Once the utility has full proof of the tampering, it shall report to the customer the details of the investigation.
- e) Remedy: As soon as the condition becomes known to the utility, it shall take steps to correct the condition and issue a corrected bill without delay. Pursuant to any tariffed meter tampering charge, before assessing the charge, the utility shall review the situation to determine if the person benefitting from the tampering was responsible either directly or indirectly for the tampering.
- g) Timing: If tampering evidence extends to previous customers of record, then the current customer shall not have to pay for the portions of the unauthorized usage or damage to service equipment that are attributable to the previous customers.
- f) Record keeping: The utility shall document and record the evidence that proves the tampering, and it shall save the full evidence proving the tampering for a minimum of three years from the date that the customer is issued a corrected bill for the tampering.

Comment [A47]: Ruckman Rebut. p. 13, ll. 285-294.

Section 280.205 Non-Residential Tampering

- a) Intent: The provisions of Section 280.200 shall apply in cases of non-residential tampering. In addition, this Section shall provide the utility with immediate relief from further unauthorized usage of service by a non-residential customer.
- b) Disconnection: When the utility has evidence proving the unauthorized use of non-residential service, it may disconnect service to the tampering customer until:
 - 1) The utility or the customer removes the facilities that allow the customer to use service without paying for it. If the utility must remove the facilities, the customer shall pay the costs associated with the work; and
 - 2) The customer pays for the unauthorized usage. The utility shall determine the amount of unauthorized usage and provide a bill to the customer without delay.

Section 280.210 Payment Avoidance by Location (PAL)

- a) Intent: With the understanding that a utility and its customers must deal in good faith with each other, this Section defines the process by which a utility may protect itself and its ratepayers from persons seeking to use a pattern of intentional action to avoid payment for service used at a specific premises.

- b) Exemption: Payment avoidance by location (PAL) shall be characterized by a repeated pattern, and as such it shall not include:
- 1) A single valid application for utility service to a location where the utility service was previously disconnected for non-payment or where a final bill for service to a previous customer remains unpaid; or
 - 2) New owners and/or new tenants at a location.
- c) Notification of PAL: When a utility can demonstrate with evidence that a pattern of intentional payment avoidance is occurring by a person or persons at a location, in order to invoke the protections of this Section, it shall provide the following notice:
- 1) ~~The utility shall notify the person of the PAL allegation using the same method of contact by which that person contacted the utility.~~
 - 2) The utility shall notify the person of the PAL allegation in writing by letter sent to the premises. The written notification may be sent electronically if agreed upon by the utility and the person receiving the notification.
 - 3) The notice shall be sent no later than two business days ~~of~~ after the utility's decision to invoke the protections available to it under this Section.
 - 4) The notice shall contain a detailed description of the problem and the facts and evidence that the utility has to support the PAL allegation.
 - 5) The notice shall contain an explanation of the steps that the person must take in order to dispute or remedy the problem.
 - 6) The notice shall contain the toll free number and contact information for the utility and the toll free number and contact information for the Commission's Consumer Services Division.
 - 7) ~~A duplicate copy of the notice shall be sent to the Commission's Consumer Services Division at the same time it is sent to the person.~~
If the property which is the subject of the PAL allegation is a rental property, a duplicate copy of the notice shall be sent to the landlord or property manager of the premises, if known, at the same time it is sent to the person.
- d) Protections:

Comment [A48]: Ruckman Dir. p. 13, ll. 282-290.

Comment [A49]: Ruckman Dir. p. 13, ll. 282-283, 286-290.

Comment [A50]: Ruckman Dir. pp. 13-14, ll. 282-283, 296-300; Ruckman Rebut. p. 14, ll. 295-303.

1) Denial of service: The utility may deny service in PAL situations where all the following conditions are met:

- A) New application for service is received the same day as disconnection;
- B) The applicant resided in the same premises with the previous customer of record for the entire time during which the arrearage accrued for disconnection;

~~C) The previous customer still resides at the premises;~~

Comment [A51]: Ruckman Dir. p. 13, ll. 282-283, 291-295.

- D) The amount outstanding for service at the premises is 75% or more of the estimated annual charges for the premises; and
- E) The premises has previously experienced PAL within the past five years.

2) Deposit: In PAL situations where all the following conditions are met, the utility may require a deposit prior to service:

- A) New application for service is received:
 - 1) Within 24 hours of disconnection; or
 - 2) Within 24 hours of collection activity; or
 - 3) Within nine months after a disconnection and within 24 hours after the utility is contacted by the previous customer to inquire about restoration; and
- B) The applicant resided in the same premises with the previous customer for the last 90 days during which the arrearage accrued for disconnection; and
- C) The previous customer still resides in the premises; and
- D) The amount outstanding for service at the premises is 50% or more of the estimated annual charges for the premises; and
- E) The premises has previously experienced PAL within the past 10 years.

3) Require landlord or property manager to take service in own name. If the utility is entitled to deny service or require a deposit pursuant to (d)(1) and (2) above, and the property which is the subject of the PAL allegation is

rental property, the utility shall be permitted to require the landlord or property manager of the premises to take service in their own name.

Comment [A52]: Ruckman Dir. pp. 13-14, ll. 282-283, 296-300; Ruckman Rebut. p. 14, ll. 295-303.

- e) Deposit amount, payment, interest and refund:
 - 1) A deposit required under this Section shall be equal to 1/3 of the estimated annual charges for the premises.
 - 2) The utility may require payment of the deposit in full prior to service.
 - 3) The deposit shall earn interest as described in Section 280.40 Deposits.
 - 4) The deposit plus interest shall be refunded as described in Section 280.40 Deposits.
- f) Burden of proof: It shall be the sole responsibility of the utility to prove with evidence that PAL has occurred. The person accused of PAL shall have the right to the full evidence possessed by the utility and the opportunity to present information to refute the allegations.
- g) Data collection and maintenance: A utility that includes this Section as part of its practices shall collect the following data on a monthly basis and maintain the data for a period of two years following its collection. The utility shall make the data available to Commission Staff within 30 days of a request from Staff:
 - 1) The total number of instances where the utility alleged that PAL occurred;
 - 2) The total number of PAL instances where the utility denied service;
 - 3) The total number of PAL instances where the utility required a deposit to begin service;
 - 4) The total number of PAL instances where the person successfully refuted the utility's evidence of PAL;
 - 5) The total number of PAL instances where the utility discovered that its evidence was inaccurate; and
 - 6) The total number of PAL instances where the person remedied the problem by payment of the arrearage accrued for disconnection of the previous customer.

Section 280.220 Utility Complaint Process

- a) Intent: To provide utilities and customers with the ability to resolve complaints or appeal complaints that cannot be resolved directly between the parties.

- b) Customer contact: The customer must contact the utility and attempt to resolve the complaint directly with the utility before proceeding to the Commission's informal complaint process. The customer and the utility shall cooperate to resolve the complaint.
- c) Methods of contact: The utility shall maintain local and/or toll free telephone numbers; a mailing address to receive customer complaints and correspondence; and, where the utility has the capability, a means of receiving electronically submitted complaints.
- d) Availability: The utility shall maintain regular business hours and staffing to answer all customer inquiries and complaints.
- e) Complaint response timeline: The utility shall respond to complaints within 14 days after their receipt, with exceptions where both the customer and the utility agree to an extension or where the utility can demonstrate to the customer that more time is required by circumstances beyond its control.
- f) Customer payment during complaint: If the complaint involves a dispute over the amount billed:
 - 1) The customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the location for the same period normalized for weather;
 - 2) The utility shall confirm the disputed portion and the amount to be paid by the customer; and
 - 3) The utility shall note and set aside the disputed amount in its records for the account.
- g) Late fees:
 - 1) No late fees may be assessed on any amount in dispute while the complaint remains unresolved.
 - 2) No late fees may be assessed on a previously disputed amount so long as the customer pays the previously disputed amount within 14 days after the resolution of the complaint and so long as the complaint was made to the utility before the disputed amount became past due.
- h) Third party services and billing: If the customer's complaint involves a service or good provided by a party other than the utility and the third party uses the utility for billing purposes, then the utility shall make a record in its files of the complaint and advise the customer how to contact the third party. The utility shall

refrain from applying a customer's payment towards any amount in dispute with a third party on the bill until the complaint involving that portion of the bill has been resolved.

- i) Appeal to supervisor:
 - 1) The utility personnel answering a customer complaint shall, upon the customer's non-acceptance of the resolution, advise the customer of the right to escalate the complaint to supervisory personnel for further review and response.
 - 2) If the customer requests a referral to a supervisor, the utility personnel shall note the account and make the referral the same day.
 - 3) The supervisory personnel must respond to the customer without delay, and priority shall be given:
 - A) First to customer accounts that are disconnected or where a health or safety concern has been raised by the customer;
 - B) Second to customer accounts in jeopardy of disconnection; and
 - C) Third to all other supervisory referrals.
- j) All customer complaints must be assigned a complaint number which is retained by the utility for a period of two years.
- k) Prohibition against disconnection: The utility shall not disconnect a customer during a complaint for any amount or reason that is the subject of the complaint. However, nothing shall prevent the utility from disconnecting service for reasons of safety or cooperation with civil authorities.
- l) Appeal to Commission complaint process: Once a final answer is provided to the customer, and, if the customer indicates non-acceptance of the response:
 - 1) The utility shall advise the customer of the right to appeal the utility's answer to the Commission's Consumer Services Division for an informal complaint;
 - 2) The utility shall provide the customer with the contact information for the Commission's Consumer Services Division; and
 - 3) In the case of a pending disconnection, the utility shall refrain from disconnection for at least three business days to allow the customer to contact the Commission's Consumer Services Division.

Section 280.230 Commission Complaint Process

- a) Intent: To provide utilities and customers with a process through the Commission's Consumer Services Division which allows the parties to settle a dispute without litigation; or appeal an ongoing conflict that cannot be resolved informally to the Commission's formal complaint process.
- b) Intake of complaints by the Commission's Consumer Services Division:
 - 1) Telephone or in person: The Consumer Services Division shall perform a customer interview and draft an informal complaint, including a description of the dispute and the relief sought. Telephone or in person informal complaints may also be taken from the customer's designated representative.
 - 2) Writing: The customer or the customer's designated representative may submit informal complaints in writing either electronically or through traditional mail or fax (if available) to the Consumer Services Division.
- c) Presentation of the complaint to the utility:
 - 1) Except as noted below, the complaint shall be submitted by the Consumer Services Division to the utility in writing and shall contain as much of the following information as is available: the customer's name, service address, mailing address if different from service address, phone number, account number, any alternative contact information, a description of the complaint, and the relief being sought by the customer.
 - 2) If all the parties agree, the written informal complaint process may be waived, and the Consumer Services Division may work to resolve the complaint by immediate direct contact between the parties as the time the customer initiates the informal complaint.
- d) Timeline to answer:
 - 1) The utility shall answer the informal complaint within 14 days.
 - 2) The Consumer Services Division shall mark as "urgent" those informal complaints that should be handled by the responding party on a priority basis.
- e) Extensions: By contact with the Consumer Services Division prior to the lapse of the 14 day response period, the utility may seek to extend the timeline for a response. Consumer Services Division Staff shall decide whether or not to grant the extension.

- f) Utility answer to the informal complaint:
 - 1) Except where the parties agree to a non-written response, the utility's answer to the Consumer Services Division shall be made in writing and shall contain:
 - A) A detailed description of the utility's position on the complaint, including the reasons for taking the position;
 - B) If applicable, a reference to the section of the tariff, rule or law that supports the utility's position;
 - C) A description of any interaction between the utility and the customer in answering the informal complaint.
 - D) The amount of any adjustments to the customer's bill;
 - E) The results of any tests performed on the equipment serving the customer; and
 - F) Any additional information requested by the Commission Staff.
 - 2) Review of answer with customer: After receipt of the utility response, the Consumer Services Division shall have 14 days to contact the consumer to review the results of the informal complaint.
 - 3) Ongoing dialog/negotiations: Upon agreement of the customer and the utility, further discussion may occur between the parties after the response to the informal complaint.
- g) Prohibition on disconnection: The utility shall refrain from disconnecting a customer during an informal or formal complaint for any amount or reason that is the subject of the informal or formal complaint. However, nothing shall prevent the utility from disconnecting service for reasons of safety or cooperation with civil authorities.
- h) Right to appeal:
 - 1) Except in situations where to do so would cause the statute of limitations for filing a formal complaint to expire, any customer with a dispute arising under the jurisdiction of this Part shall first use the informal complaint process before proceeding with a formal complaint.
 - 2) If the customer expresses non-acceptance of the response to the informal complaint, and further dialog cannot secure an agreement, then the Consumer Services Division shall advise the complainant of the right to

escalate the informal complaint to the Commission's formal complaint process.

- 3) If the utility fails to respond to the informal complaint within 14 days, the customer may file a formal complaint in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200).
 - 4) Upon a customer's request for escalation to a formal complaint, the Consumer Services Division shall provide notice to the utility of the customer's intent to escalate the complaint.
 - 5) Upon notice from Consumer Services Division of the customer's intent to file a formal complaint, the utility shall provide a minimum of 10 business days for the customer to file the formal complaint without disconnection of service. Nothing, however, shall prevent the utility from disconnecting service for reasons of safety or compliance with civil authorities.
- g) Timeline to file a formal complaint to seek refund:
- 1) Excessive or unjust charges: *All complaints for the recovery of damages shall be filed with the Commission within 2 years from the time the produce, commodity or service as to which complaint is made was furnished or performed.* [220 ILCS 5/9-252]
 - 2) Refunds for overcharges: *When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by the Commission. Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.* [220 ILCS 5/9-252.1]

Section 280.240 Public Notice of Commission Rules

Each utility shall provide notice to customers of the availability of Commission rules. The utility shall provide notice either by an annual mailing substantially in the form shown in Appendix C, or by language shall be posted on any the utility web site and written notice shall be provided to customers annually substantially in the form shown in Appendix C. If the utility chooses to

provide notice via its web site, the utility shall annually include the following statement on a regular monthly billing statement: "The ICC rules governing eligibility for utility service, deposits, billing, payment refunds and disconnection of service are posted in our offices and on our web site and will be mailed to customers upon request."

Comment [A53]: Ruckman Dir. p. 14, ll. 311-316; Ruckman Rebut. pp. 14-15, ll. 304-325.

Section 280.250 Second Language Requirements

Where there is a demonstrated need for second language notices in the service area of any utility, notices as set out in Appendices A and B sent to customers located within the area should contain the following warning in the appropriate second language: "Important – This notice affects your rights and obligations and should be translated immediately."

Section 280.260 Customer Information Packet

- a) Intent: The utility shall develop customer information material and provide the material to customers without additional charge.
- b) Content:
 - 1) Description of the services provided; and
 - 2) Customer rights and responsibilities under this Part, including at a minimum:
 - A) Procedures for billing;
 - B) A description of the estimated bill process;
 - C) Payment options, including Budget Payment Plan and Deferred Payment Arrangements;
 - D) Payment methods and locations;
 - E) Late fees;
 - F) Deposit requirements;
 - G) Disconnection and reconnection procedures;
 - H) Utility dispute procedures and escalation procedures if a dispute is not resolved;
 - I) Contact information for the utility;

- K) Commission's Consumer Services Division's informal complaint procedures;
 - L) Contact information for the Commission's Consumer Services Division;
 - M) A statement that the Commission's rules apply to service standards and reliability; and
 - N) Notice of the availability of the Commission's rules.
- c) Distribution:
- 1) Written copy sent or delivered to all new customers;
 - 2) Written copy sent or delivered to customers upon request;
 - 3) Material available on any utility web site; and
 - 4) Notice that the material is available free of charge and instructions on obtaining material sent to all customers annually.
- d) Filing with Commission: The material shall be kept current and a current copy shall be filed with the Manager of the Consumer Services Division. Any changes in the material shall be presented to the Manager of the Consumer Services Division at least 45 days prior to being made available to customers.

Section 280 Appendix A: Disconnection Notice

Disconnection notices sent to customers shall be either on red paper stock or on white paper in red lettering. in the following format:

Comment [A54]: Ruckman Dir. p. 15, ll. 323-329.

Issuance date:
Utility name
Utility contact information

Effective date:
Customer name and address
Customer account number

URGENT! **This is a DISCONNECTION NOTICE!**

Your utility service is in danger of disconnection because (reason for notice here, including past due amounts for which the service may be disconnected)

In order to stop disconnection, you must (detailed description of what customer must do in order to avoid disconnection; in lieu of detailed steps, utility may offer contact info where customer can immediately access complaint handling utility personnel). If you have recently paid, please contact us to confirm that the service will not be disconnected.

You can be shut off on or after (effective date), and you can still be shut off until (date notice expires) or we send you a new notice to replace this one.

You will lose many of your rights if you wait to do something until after disconnection.

If you have questions or concerns about this notice, please contact us immediately at: (utility contact information).

If we are unable to assist you, you have a right to contact and review your rights with the government agency that regulates us: The Illinois Commerce Commission's Consumer Services Division can be reached at (current CSD contact information).

Residential customers have certain rights regarding this notice, including the right to a deferred payment arrangement and the potential to stop disconnection for 30 days and start a medical payment arrangement if a doctor of local board of health contacts us directly on behalf of a patient living in your household. Please see the reverse side of this notice for further details of your rights.

Comment [A55]: Ruckman Dir. p. 12, ll. 266-270.

Section 280 Appendix B: Customer Rights (Appearing on the reverse side of disconnection notices sent to residential customers)

Your rights and responsibilities regarding this notice:

Payment methods: (utility shall list available means or provide way to obtain available options).

Deferred Payment Arrangement (DPA): You may be eligible for a payment plan known as a DPA in order to prevent disconnection unless you failed to complete a previous DPA in the past 12 months. Please contact us at (contact info) to ask about payment options to avoid disconnection.

Reinstatement: You can reinstate a previous DPA that defaulted by catching up with all the payments that were due up to now. We may charge you a reinstatement fee unless this is your first time reinstating the DPA.

Renegotiation: If lose or change income, you may be able to renegotiate your DPA.

[Gas and electric utilities only.] Financial Aid: Help with utility bills may be found in the Low Income Home Energy Assistance Program (LIHEAP). Along with the aid, LIHEAP qualification gives you extra rights. Contact LIHEAP at (current LIHEAP contact info). We may know of other additional aid available. To find out, contact us at (utility contact info).

Comment [A56]: Ruckman Dir. pp. 4-5; ll. 84-109; Ruckman Rebut. pp. 4-5; ll. 61-77.

[Water and wastewater utilities.] Financial Aid: Help with utility bills may be available. To find out about aid which may be available, contact us at (utility contact info).

Medical Certification: If you haven't used a medical certificate in the past 12 months or you paid off a previous medical certificate, a medical certificate from a doctor or local board of health can stop disconnection for 30 days or have service restored as long as they contact us within 14 days after shut off. The medical certificate must contain:

- 1) **Name and contact information for the doctor or board of health;**
- 2) **Your service address and the name of the patient;**
- 3) **A statement that the patient lives at the address; and**
- 4) **A detailed explanation of why the discontinuation of the specific utility service will cause a life threatening medical condition for you or another resident of the premises. statement that disconnection of utility service will aggravate an existing medical emergency or create a medical emergency for the patient.**

Comment [A57]: Ruckman Dir. pp. 12-13, ll. 266, 271-277; Ruckman Rebut. pp. 11-13, ll. 248-274.

The doctor or local board of health can call us to certify, but they must provide a written medical certificate with the above information within 5 days of calling. The medical certificate also puts you on a **medical-deferred payment arrangement** to pay off the bill over time. **The term of the payment plan will be better if we receive the certificate before your service is disconnected.**

Active Duty Military: If someone living with you is on active U.S. military duty, State law offers certain protections for your electricity and natural gas. Please contact us if someone in your household is on active duty.

Deposits: We can demand a deposit from you if we shut you off or if you pay late 4 times and carry a past due balance older than 30 days at any time in a 12 month period. The deposit will be about twice the size of your average bill, and you can pay it in 3 installments. You can be disconnected for not paying a deposit.

Reconnection: If we shut you off, your service will be restored when you pay in full or take care of the problem if we shut you off for something other than a bill or deposit. You may be required to pay a reconnection fee.

Complaints: **If you have a complaint or problem with us, do not wait until after we shut you off to try to take care of it!** If you contact us to try to take care of a problem, we must try to work with you to resolve or explain the problem. If we can't help you, you can contact the Illinois Commerce Commission's Consumer Services Division at:

(current CSD contact info). Before calling the ICC, you must try to work things out with us first. Please call us at (Utility contact info).

Regulations: You can review the main set of rules that affect you at the Illinois Commerce Commission's website (Commission website).

Section 280 Appendix C: Public Notice

**RULES PERTAINING TO ELIGIBILITY FOR SERVICE,
DEPOSITS, BILLING, PAYMENT, REFUNDS
AND DISCONNECTION OF SERVICE**

**ILLINOIS COMMERCE COMMISSION
83 Ill. Adm. Code 280**

Part 280, the rules and regulations of the Illinois Commerce Commission prescribing procedures governing eligibility for service, deposits, billing, payment, refunds and disconnection of service, is on file in this office open to public inspection.

Copies of Part 280 in the Spanish language are available for inspection.

Any employee will direct you to the place where you may inspect a copy of Part 280 and will direct you to personnel assigned the duty of providing information about Part 280.

Copies of Part 280 may also be reviewed and/or obtained at the Commission's offices at (current Chicago office and current Springfield office of the Commission) or on the Commission's website at (current Commission website).

Section 280 Appendix D: Insert to be Included with Each Disconnection Notice Sent to Residential Gas and Electric Customers

IF YOU CANNOT PAY YOUR ENTIRE BILL NOW

READ THIS NOTICE ABOUT MAKING
ARRANGEMENTS TO PAY OVER TIME

What can I do if I cannot pay my entire bill now?

If you are a residential customer of a public utility and owe for past due service, you may have the chance to make an arrangement with the company to pay over time and avoid disconnection of your utility service.

These arrangements to pay over time are called "deferred payment arrangements" or "DPAs." A DPA will allow you to make a down payment towards the amount you owe and then make monthly payments at the same time as your regular bill payments in order to pay off the past due balance. **You must contact the utility in order to see if you can make a DPA and protect your account from disconnection.**

How much will my down payment be?

From April 1 through November 30, the utility may require 25% of the amount past due, unless you have qualified for Low Income Home Energy Assistance (LIHEAP).

LIHEAP qualified customers may be required to pay 20% of the amount past due.

From December 1 through March 31, the utility may require 10% of the amount past due to put you on a special **Winter DPA**.

How will the utility and I figure out how much I will pay each month on the DPA?

The total number of installments that the you will pay will dictate how much each equal installment will be. The utility will consider the following in choosing how many installments to allow you:

1. how much you owe,
2. your ability to pay,
3. your payment history with the utility,
4. the reason(s) the amount became past due,
5. if you are LIHEAP qualified, and
6. any other factors that relate to the situation.

From April 1 through November 30, the utility will allow from 4 to 12 months of installments, unless you are LIHEAP qualified.

From April 1 through November 30, LIHEAP qualified customers are allowed 6 to 12 months of installments.

From December 1 through March 31, the utility must allow between a minimum of 4 monthly installments and a maximum number of installments that should not last past the coming November on its Winter DPA program.

Do I have to pay my regular bills in addition to the installments?

Yes. The DPA will default if you don't pay on time or if you don't pay both the full amount of the installment and the full amount of the current bill. Your bill will tell you the total amount to pay each month in order to keep the DPA going.

Can I be on a Budget Payment Plan at the same time as the DPA?

Yes. In fact, by averaging the yearly cost of your bills, this may be a good way to help you plan how much you will likely have to pay each month. Ask us about our Budget Payment Plan.

What happens if my DPA defaults?

If you default either by paying late or failing to pay the full installment and current charges, then your account can be subject to disconnection again after we send you notice.

Can I get back on the DPA after default?

Yes. As long as you have not been disconnected, by paying the total amount of the installments and current charges that are due up to the current date, you can reinstate the DPA. **Reinstatement** puts you back on the arrangements you originally made. We may charge you a **reinstatement fee** if you have to reinstate the DPA more than once.

What if my economic situation changes and I cannot afford the original DPA?

Renegotiation allows you to extend your original DPA for a longer term. In order to renegotiate your DPA, you must:

1. not currently be in default on the DPA,
2. have made at least the down payment to get on the DPA, and
3. be willing to discuss the change in your economic situation with us.

How many DPAs can one account have?

As long as your service is still on, you qualify for a DPA any time after you either:

1. complete the last DPA you had, or
2. 12 months have passed since you failed to complete the last DPA you had.

From December 1 through March 31, if your service is used to heat or control the source of heat in your home, then you can get on a Winter DPA for a 10% down payment as long as your service is still on. Heating customers qualify for a Winter DPA whether they successfully completed their last DPA or not.

How soon should I call about a DPA?

Call right away. Do not wait. If your service is shut off, you may not be able to get back on without paying everything you owe us past due. Even if you think you may not qualify for a DPA, please call to see if something can be worked out.